

Solicitors' Journal & Reporter.

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TO CORRESPONDENTS.—CICERO—Under consideration.

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CURRENT TOPICS.

WE HAVE AUTHORITY to state that the Vice-Chancellor Sir Richard Malins is so far recovered from his late accident that he will take his place in Court at the opening of the ensuing Sittings.

THE INFLUENCE of scientific discovery on the scale of fees allowed to solicitors appears to be somewhat remote, but it is likely to be brought to a very practical test. An eminent firm of city solicitors have had a telephone fixed in their office, by means of which they are placed in direct communication with a number of their leading clients. Hourly use is made of this instrument, with the result of saving a large number of visits. The question, however, arises how this novelty will be viewed in the taxing masters' offices. "Attending you, 6s. 8d.," has hitherto always referred to a personal interview, but there seems to be no reason why an attendance through the telephone should fail to earn the time-honoured fee.

THE CAUSE LISTS of the Court of Appeal and of the Chancery Division will be issued next week, but, so far as we have been able to ascertain, the number of appeals from all the divisions of the High Court will be about 280. At the beginning of last Michaelmas Sittings the appeals numbered 238, a far larger number than had ever been known since the Judicature Acts came into operation. We have now a large increase on this number. As regards the Chancery List, the number

of causes in the Master of Rolls' list is about 178, of which 87 are with witnesses. Vice-Chancellor Bacon has 70; Vice-Chancellor Hall, 105; and Mr. Justice Fry, 125; making in all about 478 causes. Last year the number was 411.

WE REGRET TO LEARN that, up to Wednesday last, the time of the removal of the Chancery Paymaster to the chambers prepared for him in the Royal Courts of Justice was still unsettled. It is understood that the Treasury authorities make some demur to allowing the increase of the Paymaster's staff necessary for the division of the ledgers over six rooms. Such an arrangement would greatly facilitate the business, which of late years has considerably increased. For example, in the return for 1873, the number of cheques drawn was 43,477 and the transactions on deposit accounts numbered 10,662, whereas in the return for 1878 (the last issued) the cheques drawn were 49,992 and the transactions on deposit accounts were 14,393. The amount of book-keeping which these figures represent comprises only a portion of the work of the department, which is well known to be shorthanded. It will be very inconvenient to continue the present separation between the office of the Chancery Paymaster and the rest of the offices of the Chancery Division, and it is to be hoped that the increased expenditure in clerks' work will not be allowed much longer to stand in the way of the removal.

A CORRESPONDENT of the *Times* has done good service in calling attention to the conveyancing monopoly insisted upon by the Corporation of London and the city companies. In London leases granted by the corporation there are always inserted clauses by which all assignments, under-leases, and dealings with the property, must be prepared by an official of the corporation. The practice is of very ancient standing, for Bohun, in his *Privilegia Londinii* (p. 69), says that "the custom hath been for the comptroller to draw the leases of the city land, and the clerk of the chamber to engross them." And he adds, "Note, the clerk of the chamber's fee was formerly but 10s. (besides the King's duty and parchment) for engrossing any lease, but of late years he has taken more, because the leases are now made longer, though not much better than formerly." In 1837 the comptroller, in his evidence before the Commissioners on Municipal Corporations, estimated the amount of his fees on leases, licences to assign, assignments &c., at about £300 a year; but it appears from the evidence of this official before the Commission of 1854 that, in addition to his stipend of £1,500 a-year, he received in 1852, when the leases of the Conduit Mead estate fell in, no less a sum than £1,230 16s. 5d. in fees. The evils of the system are too obvious to need enumeration, and we think the matter is worthy of the consideration of the Council of the Incorporated Law Society.

WE PUBLISH elsewhere a well-timed letter from a correspondent with regard to the effect of the great fall in rents upon the rateable value of land. He inquires what steps should be taken to get the assessment lowered; and he complains that overseers in some cases have made the rate prospectively for the period of a year, instead of quarterly, as formerly. He asks whether such a rate is legal, and, if not, whether the justices could not refuse to allow it. It has been held that the duty of justices with regard to the allowance of a poor rate is purely ministerial (See *Burns' Justice, Tit. Poor*, p. 1037). With regard to the question whether a rate made for a year could be quashed on appeal as having been improperly made, there is no direct authority as to the maximum period for which a rate can be made prospectively. The period of half a year has, however, received judicial sanction (*R. v. Read*, 18 L. J. M. C.

164). It is obvious that the rate could not be properly made for a series of years, and such a rate would be bad, because beyond the powers of the overseers making it. We should hesitate, however, to say that a rate for a single year would be illegal, especially when it is only to be collected in instalments. We doubt whether the possibility of a fall in value within the year would be much considered in dealing with this question. It does, however, seem to us that the more usual course of making the rate half-yearly is the proper one for overseers to adopt. With regard to the alteration of the assessment for the future, the party aggrieved must apply to the assessment committee for relief, and if he does not obtain such relief as he deems himself entitled to, he can then appeal against any future rate. We know of no other course to take. With regard to existing rates, if there has been no appeal to the next practicable sessions, the period for obtaining any remedy has gone by.

IT WILL BE OBSERVED that, in the paragraphs which are published at this season with regard to the results of the annual revision of the lists of parliamentary voters, there is a considerable discrepancy between the statements put forward by the two parties. The way in which this arises may not be generally known, but it is very obvious to any one familiar with the business of revision. For instance, a number of voters are objected to. Many of these objections relate to the second column of the register, viz., that which gives the place of the voter's abode. A voter may retain his qualification, but have changed his abode. Again, there are necessarily a good many misdescriptions on the register both with regard to places of abode and qualifications. The numbers of streets are changed, and a certain amount of confusion is caused between the old and new numbers. Many of these misdescriptions are amendable by the barrister on the production of the necessary evidence. If the barrister amends, one party claims that the objection has been allowed, the other that it has been disallowed. Both are right in a sense, but for the purpose of enumerating the gains and losses on either side, it is clear that these are cases where the objection should be treated as disallowed. We believe, however, that in the calculation of the results it is frequently the case that the objection is spoken of as allowed. The ordinary reader naturally concludes that the voter's name in these cases has been struck off. The same sort of discrepancy occurs with regard to the claims. A name is put on in respect of the occupation of premises in such and such a street. The entry is erroneous, because the voter has really occupied for part of the qualifying year in that street, but for the remainder of the year in another street. He therefore sends in a claim for houses in succession. The original entry is accordingly struck off the register, but the voter is inserted in respect of the new claim. This result is described by one party as a claim allowed, and the voter figures among the supposed gains of his party. It is obvious, however, that this is not really a gain. The voter is not a fresh voter but an old voter who comes in in respect of a new qualification. In a large borough cases of this sort are very numerous, perhaps amounting to hundreds. It is easy to see, therefore, how discrepancies arise, and how very difficult it is to tell from party statements how far the state of the register has been altered with regard to the balance of votes on either side.

THE RETURN to the bench of Vice-Chancellor Mallins will cause much pleasure to the profession, but we believe that, as matters stand at present, there is not a single cause for the learned judge to try; and before his lordship can transact any business on the bench or in chambers it will be necessary that the causes which have been transferred to Mr. Justice Fry should be re-transferred. Out of Mr. Justice Fry's list of 125 causes, no fewer than 110 were taken from Vice-Chancellor Mallins' list.

A LEARNED CORRESPONDENT has made the discovery, *apropos* of the forthcoming banquet to Sir Evelyn Wood, that not a few of the most distinguished officers in the late Zulu war are (to use Cartwright's words)

"sons of parchment, that may call

The pen their father and the ink their mother."

"Lord Chelmsford, the late Commander-in-Chief," says our correspondent, "is the son of an ex-Lord Chancellor; Sir E. Wood is the nephew of Lord Hatherley, another ex-Chancellor; Lord Gifford is the great grandson of a Lord Chief Justice of the Common Pleas; and Colonel Buller is a member of the same family as the eminent Mr. Justice Buller."

TRUSTS OF LIFE POLICIES.

MARRIAGE settlements of policies of insurance effected on the lives of intended husbands are common enough, but they are not always prepared with an adequate appreciation of the difficulties likely to arise from the peculiar nature of the property settled, nor are the persons who consent to act as trustees of such settlements usually aware of the liabilities they thereby undertake. It may be worth while to call attention to some of the rules which have been laid down on this subject.

We shall limit ourselves to the case where the settlement does not include any funds available for payment of premiums, and does not impose any duty on the trustees to pay such premiums. The kind of settlement we mean is one by which the intending husband, having assigned to the trustees a policy of insurance on his life, settles the proceeds for the benefit of his wife and children, and covenants with the trustees to pay the premiums from time to time, perhaps, also, to effect a further insurance on his life at a specified date, and also to pay the premiums thereon. All goes well until the husband refuses, or neglects, or becomes unable, to pay the premiums or to take out the further policy. Then comes the question, What is to be done by the trustees?

The principles laid down by the court are simple and reasonable, but their practical application involves considerable difficulty. The trustees under such a settlement as we have described are deemed to have taken on themselves the duty of seeing that the covenant of the husband is performed. But in all cases of this kind, where trustees are sought to be charged with a breach of trust by reason of an omission, the court takes care to see, before the trustee is charged, that it was within his power to perform the act which it was intended he should perform (*Fenwick v. Greenwell*, 10 Beav. 412). The result is that if trustees omit to take steps to enforce the husband's covenant, and in consequence the policy lapses, or the new policy is not taken out in pursuance of the covenant, the *onus* will be thrown on them of proving that if they had sued the husband on his covenant the action would have been fruitless. If they can prove that the husband was in insolvent circumstances they will escape liability. Thus in *Hobday v. Peters* (28 Beav. 603) the husband assigned to the trustees of his marriage settlement a policy on his own life, and covenanted with them to keep it up. The trustees neglected either to obtain possession of the policy or to give notice to the office, and the policy was mortgaged by the husband, and afterwards sold and surrendered. It appeared that the husband was in insolvent circumstances, and unable to keep up the policy; and that it would have been useless for the trustees to have sued him on the covenant; and the late Master of the Rolls held that the trustees were not liable for the loss. "The only thing," he said, "which [the trustees] could have done would have been to sue [the husband], but if he was unable to pay, that would have been a useless proceeding."

There seems to be no authority to show that anything short of actual insolvency on the part of the husband will avail to relieve the trustee from liability. TH 20

Master of the Rolls, who moulded into shape the law on this subject, once said that, "if there is reasonable ground for believing" that if the trustee had taken steps to obtain payment of the premiums from the husband they would have been ineffectual, the trustee would be exonerated from liability (*Clack v. Holland*, 19 Beav. 273). But the learned judge failed to explain what, in his opinion, would be "reasonable ground," and in the case in which he uttered this dictum he held the trustee liable. On the whole, we think the law must be taken to be that a trustee who neglects to take steps to enforce the covenant by the husband to pay the premiums will be liable to the persons beneficially interested, unless he can show that at the time when the policy was dropped the husband was in insolvent circumstances. It need hardly be pointed out how difficult in many cases this proof would be.

In the last cited case the learned judge said that there could be no doubt "that if the trustee has no funds properly applicable to keeping up the policy, he may do, and in my opinion it is his duty to do, what he can to protect the policy, and [he may] advance or obtain money for the purpose of paying the premiums; and a lien on the policy will then be obtained. . . . The *cestui que trust*, having the benefit of that advance, cannot make the trustee pay personally that of which the *cestui que trust* has received the benefit. But if the *cestui que trust* supply funds, or if the trustee, by duly performing his trust, ought to be in possession of funds applicable to that purpose, then he acquires no lien on the policy." That is to say, as we understand these observations, if the trustee could not, by suing the husband on his covenant or by application to the *cestui que trust*, obtain the necessary funds, a lien for a sum advanced for that purpose by the trustee may be given, but not otherwise.

The result is that the only safe course for the trustee, when the husband becomes unable to pay any further premiums on the policy, is to seek the protection of the court. In *Beresford v. Beresford* (23 Beav. 292), the court under such circumstances, authorized a surrender of a policy; and in *Hill v. Tremery* (*ib.* 16), where the trustee filed a bill for indemnity and protection, the policy was ordered to be sold.

EVIDENCE OF COLLATERAL FACTS IN ACTIONS FOUNDED ON FRAUD.

THE exceptions to the rule of evidence which excludes extraneous and collateral matters are few. Of the class of cases in which they are admitted, the decision of the Common Pleas Division in *Blake v. The Albion Life Assurance Society* (27 W. R. 321, L. R. 4 C. P. D. 94) affords a good illustration.

The facts of that case may be shortly stated as follows:—The plaintiff sued to recover from the defendants a sum which he had paid as a premium upon a policy effected with them. It appeared that the plaintiff, having seen an advertisement stating that one Howard was prepared to advance money on personal security, applied to him for a loan of £1,500. Howard required the plaintiff to insure his life in the defendants' office, and deposit the policy as security for the loan. The plaintiff accordingly effected a policy, and paid the premium (half of which was shown to have been handed over by the defendants to Howard), but on his requesting Howard to advance the money, the latter required the plaintiff to furnish a number of other securities of a stringent character, and on the plaintiff's declining to comply with the requirement, Howard refused to advance any portion of the money. In order to prove that an agreement subsisted between Howard and the defendants for the purpose of defrauding persons in the plaintiff's position, evidence was tendered to show that, in consequence of similar advertisements, a number of other persons had been previously induced to insure in the defendants' office; and that in each case the intending borrower had

failed to obtain his loan under circumstances precisely similar to those of the plaintiff's case, and had lost the amount paid as premium; and, further, that in these transactions Howard had passed under the various names of Wood, Holland, Seymour, Gard, and other aliases. Lord Coleridge, who tried the cause, held that this evidence was admissible, and his ruling was unanimously upheld by the Common Pleas Division. But, though the judges were unanimous in their decision, they differed to some extent in the grounds on which they based it. Mr. Justice Grove said that "In many cases you can only prove fraud by showing what is behind; the question being one of intention, showing the intention, the motive or the design is the only way of showing the fraud. If this could not be done, fraud could often not be proved in cases where it exists." Mr. Justice Lindley thought that the plaintiff might put his case on the fact that the fraud was one of a class having common features. "If it can be shown," he said, "that the fraud is one of a class having common features, I am of opinion that the evidence of the other frauds is admissible. The sole question is, 'Can you or can you not throw light upon a transaction which may be innocent or not?' The common feature in the present case is the false pretence, and that being so, I think the evidence was clearly admissible."

If we look at the cases in which, in criminal charges, evidence of other acts may be admitted against the prisoner, we find them falling into three classes; first, where guilty knowledge is a necessary part of the offence, as in a charge of uttering counterfeit coin; secondly, where malicious intent is the essential part of the crime, as in charges of embezzlement, where evidence may be given of previous errors of a similar kind in the accounts kept by the prisoner, in order to negative a defence that the prisoner has made an innocent mistake (*R. v. Richardson*, 2 F. & F. 343); and, thirdly, in cases where other criminal acts of the prisoner, although in a sense distinct, are really in substance part of the same transaction, as, for instance, in cases of treason and conspiracy to commit a felony.

It would seem that the evidence admitted in *Blake v. The Albion Life Assurance Society* might be brought within the reasons on which either the second or third class is founded, and that consequently both the learned judges in the recent case were right. The unlawfulness of the act depended upon the guilty intent, and, as it has been said, "intention is not capable of positive proof, and if it cannot be implied from the facts and circumstances which, together with it, constitute the offence, other acts of the defendant from which it can be implied to the satisfaction of the jury must be proved." But it might also be said that the repeated requirements to effect a policy as a condition of a loan which was never granted, should be regarded as a series of transactions connected together, as in the third class above mentioned.

General Correspondence.

POOR RATES.

[To the Editor of the Solicitors' Journal.]

Sir,—In consequence of the depreciation in the annual value of land to an extent of at least twenty per cent., or one-fifth on the average, and of new takings from Michaelmas last at such reduced rents, it has become necessary that the poor rates, upon which other rates are based, should be reduced accordingly.

The assessment list will have to be altered, which causes delays and difficulties; and another difficulty arises in consequence of some overseers having (probably to save themselves trouble) made their rates prospectively for a year forward, instead of quarterly as before, although they collect quarterly what they call "arrears" of the rate so made. It is apprehended that this

course may be illegal, and that the rates might be held void if appealed against, and it is certainly inconvenient. The old Statute of Elizabeth authorizes the overseers to "raise weekly or otherwise" for the relief of the poor, and it does not appear to have been ever contemplated that they should guess at the amount required, and raise prospectively for a year in advance; and perhaps the justices might refuse to sign rates made in such a manner. Again, the matter might have some bearing on the validity of votes in registration courts, the voter being bound to pay up all rates demanded.

I know many instances of takings from Michaelmas just passed at large reduction of rents, and the statute of the 32 & 33 Vict. c. 41, s. 16, does not meet the case; for, although it provides for apportioning the current rate between the outgoing and incoming tenant, it is the existing rate which is so apportioned, and the provision does not meet a reduction in annual value.

Perhaps some of your readers well acquainted with the subject may be able to point out the best practical course to be taken in getting the rates set right, and also give their views on the legality of rating forwards for a year, and say if the magistrates can refuse to allow rates so made? Y.

Oct., 1879.

[See observations under the head of "Current Topics."
—ED. S.J.]

CROWN INTESTATES.

[To the Editor of the Solicitors' Journal.]

Sir,—A parliamentary return recently issued shows the receipts and expenditure of the Treasury Solicitor for the year ending the 31st of December, 1878, in the administration of estates on behalf of the Crown. It appears that the receipts (including balances in hand from the commencement of the year) amounted to £325,669 2s. 11d., and that after payment of the Crown's share (£60,000), and certain grants out of the estates, there remained a balance in hand at the close of the year of £162,422 11s. 4d.

I venture to suggest that this return would have proved much more interesting and valuable to the public had it contained the names and addresses of the intestates, and the amount of money handed over to the Crown in each case, and now awaiting claimants. Of the value of such publicity I could cite many precedents, but I must not trespass further on your space.

EDWARD PRESTON.

1, Great College-street, Westminster, S.W., Oct. 20.

Cases of the Week.

CASES BEFORE THE VACATION JUDGE.

COMPANY—WINDING UP—CARRIAGE OF ORDER—TWO PETITIONS—PRIOR ADVERTISEMENT—COMPANY LIMITED BY GUARANTEE—INSOLVENCY.—In the case of *In re London and Palatine Fire Insurance Company*, before the Vacation Judge, on the 22nd inst., two petitions to wind up the company had been presented, and the question arose whether the company ought to be wound up, and also as to which petitioner should have the conduct of the order. The company was one limited by guarantee, and a judgment creditor had issued execution against the company, and a return of *nulla bona* had been made. It was, however, admitted by the company that the guarantee fund was intact and amply sufficient to pay all the debts in full, and it was stated that a call had been already made on the guarantors. Counsel for a creditor for about £800 asked that the petitions might stand over to see the result of the call, as he submitted there was at present no necessity for a winding up, and as between the different creditors the petitioners were not entitled *ex debito iustitie* to a compulsory order. As between the two petitioners the question was which should

have the conduct if an order were made. One petition was presented on the 30th of September, the usual affidavit was filed on the 2nd of October; and it had been advertized regularly for hearing, by special leave, on the 22nd inst. The other petition was not presented until the 2nd of October. The affidavit, through some mistake, was not filed until the 7th inst., a day beyond the time prescribed by the rules. This petition had also been advertized irregularly, but before the other petition. After the advertisement of the other petition had appeared, another advertisement had been inserted advertizing the second petition for hearing on the 22nd inst. The second petitioner asked that the irregularities of his affidavit and advertisements might be waived, and that as his petition had been first advertized, a winding-up order on his petition might be made. The first petitioner submitted that, as his proceedings had been perfectly regular, there was no reason why the order should not be made on his petition, and that as between the two petitioners the court ought not to waive the irregularities. In reference to the insolvency of the company it was submitted that there was no difference made in section 80 of the Companies Act as to the right to a winding up as between a company limited by guarantee and one limited by shares, and hence that, as an execution had been levied and no return made, the case came expressly within that section. Bowen, J., said he should make a compulsory order on both petitions and he should give the carriage of the order to the petitioner whose petition had been first presented. He did not say that the second petitioner might not be entitled to have the irregularities he had committed waived, but he saw no reason to give him priority in the present case. He should refer the appointment of a liquidator to chambers, and there would be the usual order as to costs. As the first petitioner had obtained an *interim* liquidator, the costs of that motion would be costs in the winding up.

TRUST FOR SALE—APPLICATION BY TRUSTEES FOR LEAVE TO PROCEED WITH SALE—INSTITUTION OF ADMINISTRATION ACTION.—In a case of *Re Flower, deceased, Grimes v. Flower*, also before the Vacation Judge on the 22nd inst., an application was made by trustees for leave to proceed with a sale of certain property under an imperative trust for sale in a will, the time for which had arrived. A beneficiary now entitled to one-fourth part of the proceeds supported the application. Before the sale could be carried out a suit for the administration of the estate had been instituted by other beneficiaries. The trustees now applied for leave to carry out the sale, and they submitted on the authorities, that although the mere institution of the administration action (which had only so far proceeded to the issue of the writ) did not take away their discretion, still that the leave of the court was necessary to prevent any question as to their liability being subsequently raised. The plaintiffs opposed the application, and submitted that the sale had been pressed on with undue haste, and that the court ought not to interfere in the matter. Bowen, J., said he should make no order, and he should leave the trustees to act at their own risk. If they could carry out the sale without his assistance well and good, but he should not help them. He should refuse the motion, with costs.

PRACTICE—RECEIVER—NEXT OF KIN—PROBATE—RIGHT TO SHARE OF ESTATE IF WILL UPSET—JURISDICTION.—In a case of *Banks v. Barber*, also before the Vacation Judge on the 22nd inst., a motion was made to restrain the defendant from receiving certain proceeds of sale under the following circumstances. The defendant was the sole executor of a gentleman of the age of ninety, and almost the sole beneficiary under his will. The will had been proved, but the present plaintiff, one of the next of kin of the testator, disputed the will and had commenced an action in the Probate Division to set it aside. An application had been made to the registrar of the Probate Division for a receiver and injunction, but such application had been refused on the ground that the registrar, under order 54, had no power to make the order, and also because the defendant had put in an affidavit in which he stated that the whole of the property of the testator had been sold to him by the testator previous to his death under an agreement. The plaintiff then commenced this action in the Chancery Division, asking to set aside the agreement and for administration of the

estate. He alleged that the defendant had been in the fiduciary relationship of agent to the testator, and that the agreement was an improper and improvident one on the testator's part, and would certainly be set aside by the court; that the agreement was at an undervalue, as it was for the sale of property worth about £1,500, for a small annuity during the testator's life, and for a sum to be paid within three years after his death. He submitted that the Chancery Division would in such a case protect the property which had been sold, and keep matters *in medio* until he had had an opportunity of contesting the will, and, if that were set aside, of also upsetting the agreement. For the defendant it was contended that the motion was altogether irregular, and that, according to a case last vacation of *Re Ivory, Hanken v. Turner* (L. R. 10 Ch. 372), as long as the probate stood the plaintiff had no *locus standi*; and that, moreover, the Probate Division had ample jurisdiction to protect the property if necessary, and that the application should be made to that division. Bowen, J., said he must refuse the motion with costs. It was clear that in the Chancery Division the title of the executor would only be recognized, and to his mind it was also clear that since the Judicature Act the Probate Division had jurisdiction to do complete justice in all cases before it. No doubt if a proper case were made relief in that division would be given, and he considered the application should have been made to that division.

THE CAUSE-LISTS AT WESTMINSTER AND GUILDHALL.

MR. T. W. ERLE, the associate of the Common Pleas Division, has published a pamphlet on this subject, in which he says:—Statements have been made that the new system works ill in every way, and especially that (1) it precludes the forming of any conjecture as to when any case is likely to be tried; (2) that it increases expense; and (3) that it divorces counsel from their causes. Let us see what any of these allegations are really worth.

It is perfectly true, and the present writer has often called attention to it, that since the Judicature Acts came into operation there has been greater difficulty than was before experienced in forecasting the probable date of trial of any given action, but this has been owing to a very clear reason, which has nothing whatever to do with the ordering of the list, and which is as follows:—Before the introduction of the new system of judicature the arrangements for the sittings of the courts were always fully known beforehand, and were, indeed, almost always the same. Given an ascertained number of courts to sit, with a measurable rate of progress, and the approximate computation of the date when any specified case will get its turn for trial becomes, of course, a matter of simple arithmetic. But since the Judicature Acts came into operation it has never been known what number of courts would sit during any given period, since most of such announcements as have been made have proved untrustworthy. The date, therefore, when any action would be likely to be rescheduled could not become a subject even of guess-work, because there was no basis on which to found so much as a guess. Nothing could possibly be more opposite to my intention and wish than to mention these circumstances in any sense of suggesting that they could have been prevented. The institution and perfecting of a large and complicated scheme of judicature, partly superseding and partly amending an ancient system, was not a task which could be completed offhand. Doubts and difficulties presented themselves on all sorts of questions, inveterate prejudices and obstinate prejudices had to be overcome, opposing opinions had to be reconciled, experience had to be gained, and practice to be settled. The only wonder to any reasonable and well-informed on-looker must be, not that improvement has unavoidably lagged a little at one point, however important, but that the strenuous endeavours which have been made by the authorities to get the machinery into effective order and swing should have achieved so large and creditable a success as has been actually attained. Assuming that the sittings of the courts will in the near future be published beforehand, it will then be easier than it ever was under the old system to predict the time of any given trial. For the flow of trials

will be at a more regular and uniform rate if all the cases which are to be dealt with can be taken in any court as opportunity offers rather than if they be individually capable of being heard in some particular courts only. Any miscalculation of the length of a trial such as must constantly occur (and as to which I will say a few words presently) has a much greater disturbing effect under the latter plan than under the former. This must surely become apparent upon the slightest consideration, and it seems needless to dwell upon it further. If it be true that such a general list, to be dealt with as described, supplies a better means than was formerly available of forecasting the dates of trials, this will become of much advantage to suitors as soon as the essential preliminary condition of information as to the sittings of the courts is given. But suitors have already, within my own personal knowledge, continually and largely benefited by the new system in a manner which will be best explained by a typical illustration.

Suppose, then, that at the opening of some sitting there are three courts for common jury cases, and three for special, with a day's list of three causes for each of the latter. Counsel, witnesses, and everybody concerned, having had full notice, are all ready. And suppose that—say—in the Queen's Bench Division Special Jury No. 1, which for some sufficient reasons had been thought either to be very short, or of no real vitality, is found to be good for some days, and suppose that in one or more of the other five courts the list is run through early in the day, or at any rate before the proper time for rising. If any cause can be tried in any court, Nos. 2 and 3 from the Queen's Bench list are taken in one of the adjoining courts on that day. If no such opening is available, then, as the next best thing, these causes are put in the most favourable positions for early trial on the following day which can, without injustice to others, be assigned to them on any list or lists. But if each division is restricted to dealing exclusively with its own list, and if the second Queen's Bench Court be occupied, then although there is at any rate one judge and jury disengaged, the two causes which have been mentioned have to wait (at great expense to the parties, since all the witnesses are in attendance, and costs in other respects are well sustained) till some subsequent, but unknown, date, and when that arrives the counsel engaged are very possibly due elsewhere. Besides which, the hitch which has occurred with one case is injuriously felt for some little way down the line of those which succeed it in the list. I say nothing of the waste of public time, though this is surely of some account, time in the law courts being an expensive commodity both to suitors and to the community at large. Anyone can see that something like the misfortunes which have been described could not but constantly occur in one form or another under the old system when the transfer of causes only took place inside each division, and that the uncertainties which inevitably beset the bringing of a cause to trial were more numerous and mischievous than should be now the case.

It must not be supposed that any exertions whatever on the part of those who have to make out the daily lists can ever enable them, as a rule, to attain anything like certainty as to the exact amount of time which will be occupied by the cases which are put into the paper for each court for its day's supply. Every means which is available for forming an approximate estimate has always been, and is, carefully employed, and none of the further aids which have been sometimes suggested as likely to be useful for the same purpose would probably be of much real service. For it often depends upon any one of a score of small accidental circumstances impossible to be calculated or foreseen whether there is to be peace or war between the litigant parties, and thus whether a contest is to be waged for several days or not at all. And when a trial is set afloat it frequently happens that a point of some kind or other unexpectedly discloses itself which brings the proceedings to a short end, either by showing that the question is one for another tribunal, or that it does not turn on an issue of fact, or that there is nothing substantial to try. Apart, also, from anything in the case itself, the length of a trial always depends largely on the particular counsel who are engaged, and on the presiding judge.

Complaint has been made of the alleged hardship of sending across a case which cannot be reached within the day in the court for which it has been set down to another court where it can be taken, but for the reasons which have been given it is not easy to discern how this practice, if kept within due limits, and followed under proper regulat i n

should not be simply and altogether a boon to everybody concerned. Boon or not, the practice existed, as has been incidentally mentioned, but in a cramped form, before the Judicature Acts were passed, since cases which could not be taken within the day in one of the two courts of what is now known as a division were sent across to the other court, or *vice versa*, if opportunity offered, and the propriety of so doing never used to be questioned. Any objection to the transfer from one court to another which may happen to exist in a particular case, and is made known, receives quite as much consideration now as it would have done formerly. No confusion whatever arises from the migration from one court to another, the whole proceeding amounting in fact to literally nothing more than that the persons who are concerned with a case which is "sent over," instead of waiting fruitlessly in one room, walk into an adjoining one, and get their business dispatched there and then. The designation under which any court sits is absolutely immaterial. It may happen, for example, that a judge may begin a trial in a court described as of some one particular division, and finish it for some trifling reason of convenience in another court and of another division, or in the same court, but now described as of another division. Such an incident as this may have occurred very often, but within my own personal experience I have only noticed it twice, and then only by accident, as it was altogether of no consequence or interest. But here were cases virtually "sent over" in the middle of their trial. Suppose that the various courts, instead of being each termed as of some particular division, were to be distinguished (as they might just as well be as far as any principle is concerned) by mere numerals, or by letters of the alphabet, as the parliamentary committee-rooms, whether used for their own proper purposes, or for courts, actually are, then, surely, a grievance which had to be manufactured out of the fact that a case put down for hearing in A. was taken for everybody's benefit and convenience on the other side of a wall in B., would have to be fabricated out of every unsubstantial materials.

There remains, of course, if every objection however outweighed by advantages is to be held entitled to an answer, the alleged inconvenience that if a case is put down for court A., and it is found quite early in the day that it cannot be reached there, the people concerned with it must still wait within call until an announcement has been made whether or not it can come on in any other court. It is their interest so to wait. That they are not to be kept a moment longer than is desirable may easily be secured by any of various regulations which may be thought best for the purpose, as, for example, by a rule that no case shall be transferred from one court to another after some given hour of the day, which may be an early one, unless by the consent of both sides. And the judges who are sitting can always release the parties in waiting as soon as ever they please by each of them notifying how far he will go.

This opportunity may be taken of calling to remembrance the just claim which witnesses in attendance have to be set free as quickly as may be practicable.

It is a consequence of the power of transferring causes from one court to another that the list for each particular court may be shorter than it could properly be if the power in question were absent. A large saving of litigants' money is thus effected. The allowance of work to be provided for each court for the day must be reasonably sufficient, since if this is not done, time is wasted, which means delay and disadvantage to suitors in the cases all down the general list. But the contingency of a waste of time is even better excluded by a short list for each court, to be supplemented, if necessary, from those of other courts whose pace has happened to lag, than it would be by larger papers of causes but without the power of resort to anything beyond them. When, therefore, the courts are not at liberty to co-operate with one another, the residue of untried cases must almost invariably be greater at the end of each day than when the whole judicial force has been properly utilized through concerted action. This balance of an extra number of cases put into the day's paper, but not disposed of, represents a heavy but barren expense to the parties. It means also a cloud of witnesses kept hovering about the courts for longer than is required.

It is of much convenience and advantage that notices should be published from day to day that no cause beyond one of such and such a number on the general list will be put into the day's paper before a specified date. Assuming the number of courts which will sit to be known, and the rate of

progress being, for reasons which have been already given, more uniform under the new system than under the old, less latitude in fixing the limit which will be reached by a given time is needed, and the notice in question becomes proportionately of more value.

As to the alleged effect of the new system in separating counsel from their causes, the matter seems to stand thus. A common law barrister takes any business which is offered to him, and which is worth his acceptance, at any of a great variety of courts and other places. Of these, for example, there are twelve or more in or near Westminster Hall, and several in or about Guildhall; then there are the sessions, the Old Bailey, the Sheriffs' Courts, and a great variety of other tribunals far too multitudinous to enumerate, all all over England, not to mention those which have a transitory existence, such as references, compensation cases, &c. He may also more or less work his circuit from London, or *vice versa*. He cannot, therefore, be always to hand without notice, nor, with notice, can he be in several places at once if an unlucky combination of circumstances should so require. All that can be done by his clients towards securing his presence at a trial is to apprise him of the time when it seems likely that he will be wanted, and he must then arrange accordingly. He is helped at the courts, to the utmost extent which may be possible, to fulfil his duty to his clients by appearing at the trial, since actions in which the same counsel are retained are kept together whenever this can by any means be contrived.

Formerly, when no case could be removed from its native court, the same counsel and solicitors might very possibly be wanted at the same moment for three or more different cases simultaneously called on for trial in the Queen's Bench, Common Pleas, and Exchequer respectively. It is manifest that a power to put causes in whichever court may be, under the circumstances of the moment, the best for everybody is of advantage, and so far from tending to separate legal advisers from their cases, it cannot fail to have a strong effect in the contrary direction. Should the officer who has to make out the lists omit to turn this power to the best account, or should he employ it injudiciously, an application can of course be made to the judge to set him right.

A barrister is also helped by the circumstances adverted to just now that when he actually attends in court upon a case which is in the day's list he has a much better chance than he would formerly have enjoyed of getting the business over once for all instead of being again summoned, and perhaps several times for the same duty. To my own certain knowledge both counsel and their clients have of late repeatedly gained an advantage in this way which would no longer have been attainable.

Obituary.

MR. NATHANIEL DAVIES.

Mr. Nathaniel Davies, solicitor, died at Llandilo Carmarthenshire, on the 4th inst. Mr. Davies was admitted a solicitor in 1836, and had ever since carried on business at Llandilo. In 1842 he was appointed clerk to the lieutenancy for Carmarthenshire, and he held that office until his death. He was for several years assistant-clerk to the Llandilo County Court (Circuit No. 31), and since 1856 he had filled the office of registrar of the court. He was also clerk to the magistrates for the Llandilo Division of the county. Mr. Davies was a commissioner for oaths in the Supreme Court, and a perpetual commissioner for Carmarthenshire, and he had a very extensive private practice. His death has caused universal regret. He was buried at Llandilo on the 10th inst. All the shops in the town were closed, and a large number of friends and neighbours were present at the funeral.

MR. THOMAS BURGEOYNE.

Mr. Thomas Burgoyne, solicitor (the head of the firm of Burgoyne, Milnes, Burgoyne, and Thrupp), of 160, Oxford-street, died at Treverna, Limsfield, Surrey, on the 12th inst., after a short illness. Mr. Burgoyne was the son of Mr. Thomas John Burgoyne, solicitor (many years clerk to the Commissioners of Land and Assessed Taxes for the parish of St. Marylebone), and he was born in 1806. He

was admitted a solicitor in 1827, and had ever since carried on business in Oxford-street. He was formerly in partnership with his father, and with Mr. Joseph William Thrupp and Mr. Henry Bingley Clark; and after becoming the head of the firm he was associated with his brother, Mr. John Charles Burgoyne (the present clerk to the Commissioners of Taxes for Marylebone), and also with Messrs. Robert Milnes, Montagu Thomas Burgoyne, Robert Burgoyne, and Raymond Henry Thrupp. Mr. Burgoyne had a large practice at the west end of London, and he was for many years solicitor to the Westminster and General Life Assurance Association, and also to the Royal Society of Musicians.

Appointments, Etc.

Mr. GEORGE BRYDGES RODNEY ANDERSON, solicitor (of the firm of Anderson & Davies), of Ludlow, has been appointed a Magistrate for that borough. Mr. Anderson was admitted a solicitor in 1834. He is secretary to the Trustees of the Ludlow Municipal Charities, and clerk to the Commissioners of Taxes for the Hundreds of Munslow and Over. He is one of the borough aldermen, and has served the office of Mayor of Ludlow. His partner, Mr. Ernest James Davies, is clerk to the Ludlow Highway Board.

Mr. MONTAGUE BERE, Q.C., has been elected one of the Chairmen of Quarter Sessions for Devonshire. Mr. Bere is the eldest son of the late Mr. Montague Bere, many years a Commissioner of Bankruptcy. He was educated at Balliol College, Oxford, and was called to the bar at the Inner Temple in Trinity Term, 1850, and he formerly practised on the Western Circuit. In 1866 he acted as a commissioner to inquire into the existence of corrupt practices in the borough of Totnes, and in 1866 he became a Queen's Counsel. He was Recorder of Penzance from 1857 till 1862, of Southampton from 1862 till 1870, and of Bristol from 1870 till when he was appointed judge of county courts for Cornwall (Circuit No. 59). Mr. Bere is a magistrate for Devonshire and Cornwall, and a bencher of the Inner Temple.

Mr. LEWIS BISHOP, solicitor, of Llandilo, has been appointed Registrar of the Llandilo County Court (Circuit No. 31), in succession to Mr. Nathaniel Davies, deceased. Mr. Bishop was admitted a solicitor in 1866.

Mr. EDMUND PEARSE BURD, solicitor, of Okehampton, has been appointed Poor Law Auditor for the North Lancashire Audit District. Mr. Burd was admitted a solicitor in 1872, and is in partnership with his brother, Mr. William Burd, who is registrar of the Okehampton County Court, town clerk, and clerk to the borough magistrates.

Sir THOMAS CHAMBERS, Q.C., M.P., Recorder of the City of London, has been appointed Returning Officer in the forthcoming election of the School Board for London.

Mr. THOMAS ENGLAND, solicitor, of Halifax, has been appointed to act as Legal Adviser to the Corporation of Halifax. Mr. England was admitted a solicitor in 1868, and is clerk to the Elland Local Board. He was in partnership with Mr. Adam Crossfield Foster, the recently-deceased town clerk.

Mr. EDMUND FULLER GRIFFIN, barrister, has been appointed Lecturer on English Law at King's College, London. Mr. Griffin is the only son of the late Mr. Edmund Griffin, solicitor, of Ilford, and he was born in 1839. He was educated at St. Paul's School, and was formerly Lusby Scholar of Magdalen Hall, Oxford, where he graduated second class in classics, 1861. He was called to the bar at Lincoln's-inn in Trinity Term, 1865, and he is a member of the South-Eastern Circuit. Mr. Griffin was editor (in conjunction with Professor Cutler) of the 3rd and 4th editions of "Powell on Evidence," and he has been for several years one of the staff of the WEEKLY REPORTER.

Mr. THOMAS JONES, solicitor, of Llandoverly, has been appointed by the Earl of Cawdor, Lord Lieutenant of Carmarthenshire, to the office of Clerk to the Lieutenantcy for that county, in succession to the late Mr. Nathaniel Davies, of Llandilo. Mr. Jones was admitted in 1852, and is registrar of the Llandoverly County Court.

Mr. CHARLES ELTON LONGMORE, solicitor (of the firm of Longmore & Sworder), of Hertford, has been elected Treasurer for the Hertford Division of Hertfordshire, in succession to his grandfather, the late Mr. Philip Longmore.

Mr. ALFRED GEORGE MARTIN, Q.C., M.P., has received the degree of LL.D. from the University of Cambridge.

Mr. WILLIAM JAMES METCALFE, Q.C., has been appointed Judge of County Courts for Circuit No. 51 (comprising Bristol, Wells, Axbridge, and Weston-super-Mare), in succession to Mr. Robert Alexander Fisher, deceased. Mr. Metcalfe is a graduate of St. John's College, Cambridge. He was called to the bar at the Inner Temple in Easter Term, 1845, and he formerly practised on the Norfolk Circuit, and at the Central Criminal Court and Middlesex Sessions. He became a Queen's Counsel in 1873, and since the re-arrangement of the circuits he has been a member of the Midland Circuit. Mr. Metcalfe has been for several years one of the prosecuting counsel to the Post Office, and he was Recorder of Ipswich from 1866 till 1874, when he was appointed Recorder of the City of Norwich.

Mr. FRANCIS DOUGLAS BOGGIS ROLFE, barrister, has been appointed Poor Law Auditor for the Surrey Audit District. Mr. Rolfe is the only son of the late Captain James Edward Boggis, who assumed the additional name of Rolfe in 1866. He was born in 1846, and was called to the bar at the Middle Temple in Trinity Term, 1872. He is a member of the South-Eastern Circuit, and a magistrate for the county of Essex.

Mr. ALMARIC RUMSEY, barrister, has been appointed Professor of Indian Jurisprudence at King's College, London, on the resignation of Mr. John Cutler.

Mr. FRANCIS RICHARD SOUTHERN, solicitor (of the firm of Southern & Montford), of Ludlow, has been appointed a Magistrate for that borough. Mr. Southern was admitted a solicitor in 1845, and is in partnership with Mr. John Wollaston Montford. He is one of the borough alderman, and has served the office of Mayor of Ludlow. He is clerk to the Wigmore Highway Board, and was formerly Poor Law Auditor for the Shropshire and Montgomeryshire Audit District.

Mr. DANIEL STOCK, solicitor (of the firm of Goody & Stock), of 174, Queen Victoria-street, has been elected Vestry Clerk of the Parish of St. Anne, Blackfriars, in succession to Mr. Joseph Newbon, resigned. Mr. Stock was admitted a solicitor in 1865.

DISSOLUTIONS OF PARTNERSHIP.

WILLIAM SHAKESPEAR WEBSTER and HENRY ARTHUR GRAHAM, solicitors, 17, Ely-place, Holborn (Webster & Graham). September 6. (*Gazette*, October 14.)

CLARENCE HARCOURT and ROBERT JOHN MACARTHUR, solicitors, 13, Moorgate-street, London (Harcourt & MacArthur). October 1. (*Gazette*, October 17.)

HENRY WADDINGTON HARTLEY and WILLIAM HARRY HARTLEY, solicitors, Colne and Burnley (Hartley & Son), (William Harry Hartley will continue to practise in his own name). (*Gazette*, October 17.)

Companies.

WINDING-UP NOTICES.

JOINT STOCK COMPANIES.
LIMITED IN CHANCERY.

BIRMINGHAM BOAT AND NET COMPANY, LIMITED.—Petition for winding up presented Oct 13, directed to be heard before V.C. Hall on Nov 7. Ullrich and Co. Field court, Gray's Inn, agents for Unet and Co, Birmingham, solicitors for the petitioner.

GIBBS AND CANNING, LIMITED.—Petition for winding up presented Oct 13, directed to be heard before the M.R. on Nov 8. Miller, Moorgate st, agent for Hodgson and Haigh, Birmingham, solicitors for the petitioner.

MARGATE SKATING RINK, CONCERT HALL, SWIMMING BATHS, AND AQUARIUM COMPANY, LIMITED.—Creditors are required, on or before Nov 1, to send in their names and addresses, and particulars of their debts and claims, to William Henry Pannell, 25, Basinghall st NATIONAL COFFEE PALACE COMPANY, LIMITED.—Special J. in an order, dated Aug 29, appointed James Waddell, 11, Queen Victoria st, to be official liquidator.

NEW BUXTON LIME COMPANY, LIMITED.—The M.R. has by an order dated July 21 appointed Francis Edward Street, 14, Queen Victoria st, to be official liquidator.

NEW CITY CLUB COMPANY, LIMITED.—Petition for winding up presented Oct. 14, directed to be heard before the M.R. on Nov. 8. Glynnes and Co, Mark lane, solicitors for the petitioners.

[Gazette, Oct. 17.]

WESTMINSTER ASSOCIATION, LIMITED.—By an order made by Bowen, J., dated Oct. 15, it was ordered that the voluntary winding up of the association be continued. Gedge and Co, Old Palace yard, Westminster, solicitors for the petitioners.

[Gazette, Oct. 21.]

COUNTY PALATINE OF LANCASTER.

LIMITED IN CHANCERY.

MILNROW CO-OPERATIVE SPINNING AND MANUFACTURING COMPANY, LIMITED.—Petition for winding up presented Oct. 17, directed to be heard before V.C. Little on Nov. 10 at 10.30 at 6, Stone buildings, Lincoln's inn. Standing and Taylor, Rochdale, solicitors for the petitioners.

[Gazette, Oct. 21.]

FRIENDLY SOCIETIES DISSOLVED.

BIRFORD CIVIL FRIENDLY SOCIETY, White Lion Inn, Biford, Warwick. Oct.

[Gazette, Oct. 21.]

GREAT HORTON GOOD INTENT FRIENDLY SOCIETY, Bull's Head Inn, Great Horton, York. Oct. 11

Societies.

UNITED LAW STUDENTS' SOCIETY.

At the meeting of the above society, at Clements' Inn Hall, Strand, on Wednesday last, Mr. C. Kains-Jackson in the chair, Mr. S. Ward opened in the negative the following subject for debate:—"That the discontent at present prevailing among the Irish tenantry calls for an alteration of the Irish Land Laws." Mr. Symott also opposed the motion, Mr. Owen supporting it. The chairman having summed up, the motion was put to the vote and lost by a majority of three.

LEGAL EDUCATION IN CAMBRIDGE.

The following memorial has been submitted to the University Commissioners:—

The prominence which law has recently acquired amongst Cambridge studies is shown by the following figures. The number of men who passed legal examinations for their Bachelor's degree during the past academic year was ninety:—

Law tripos:—Classed	...	37
Ordinary degree	...	8
		45
Law special:—December	...	19
June	...	26
		45
		90

Moreover, the success of lectures as the means of legal education is shown by the large attendance upon the classes of the lecturers in law; some of which have consisted of as many as sixty undergraduates.

Under these circumstances, I would beg leave to invite the attention of the commissioners to the report which was issued in 1846 by the select committee of the House of Commons on Legal Education (Parliamentary Papers, 1846, vol. 10). I would respectfully submit to the commissioners that the demand for legal instruction at Cambridge has now reached the point which was anticipated by that committee, as one which in their judgment would render it necessary for the university "to give greater extension to the courses, and a greater number of chairs to each department" (p. lviii.), "extending those which are too limited, . . . adding others which are yet unthought of, doing in its proper season whatever might be successively required by the advancing state of the science and the exigencies of the times.

As matter of detail, I would farther submit to the commissioners, and principally on the authority of the same committee, that it is desirable to make provision in the university for professorships or readerships in the following subjects:—

(1) Ecclesiastical law (Report, pp. v. and xlvii.). This subject is of peculiar importance; as being of moment not

only to those undergraduates who are preparing for the legal profession, but also to those who are to enter holy orders, and who will have no subsequent opportunity of obtaining instruction in the legal rights and duties of their office.

(2) General jurisprudence, "and the science of legislation and of morals in connection therewith;" as proposed by the Cambridge University Commission of 1852. (See their report, p. 91; and see the evidence of Lord Cairns before the Inns of Court Inquiry Commission of 1855, questions 1641 and 1652.)

(3) English constitutional law and history (Legal Education Committee's Report, pp. xlvii., lviii.).

(4) Comparative constitutional law (Ibid. pp. xlvii., lviii., lviii.; and Lord Westbury's evidence, questions 769 and 770).

(5) Colonial law (Ibid. pp. xxxii.-xxxiv., lix.).

(6) Administrative law (Ibid. pp. xxxvii., xlviii.), "in its connection with magisterial and official duty." This course would be of importance, not only to undergraduates preparing for the legal profession, but to others whose station renders it probable that they will be called on to fill the various unpaid public offices which devolve upon the English gentry.

(7) Private international law or "the conflict of laws" (Legal Education Committee's Report, pp. xlviii., lix.; and Lord Westbury's Evidence, question 768). Public international law is already provided for by the Whewell professorship.

(8) Forensic medicine or "medical jurisprudence." (See the evidence given before the Cambridge University Commission of 1852, pp. 123-4; and that given before the Inns of Court Inquiry Commission, pp. 104 and 111).

(9) The history of law, and especially that of English law. (See Lord Westbury's Evidence before the Legal Education Committee, question 769; and Prof. Kenyon's Evidence, questions 1568-1575). It may not be out of place to call the attention of the commissioners to the fact, upon which Prof. Kenyon lays stress, that the official publication of the Rolls and Records series has made accessible a vast mass of historical documents, the value of which is at present practically unknown, and that "lectureships would be very materially of use in showing and making public what there is in those documents." It may not be unimportant to add that Sir Henry Maine has expressed it as his opinion that "An account of the origin and growth of our legal system, founded on the examinations of new materials and the re-examination of old ones, is perhaps the most urgently needed of all additions to English knowledge" (Early Institutions, p. 310).

I may perhaps be permitted to add that, besides the direct educational results of those professorial chairs, there is ground for anticipating two other advantages from their creation.

The first of these would be an improved legal literature. "The advantage," says Lord Brougham, "of founding professorships for the improvement of legal education may be gathered from this, that all the most important works . . . of an institutional character were the produce of lectures read by professors, for example, Mr. Justice Blackstone's" (Evidence before Legal Education Committee, question 3780; cf. their report, p. xi.)

The second would be the creation of a larger body of scientific jurists. On the Continent many jurists and publicists lay aside the technical details of business, and devote themselves to law as a science, thus forming an authority which can direct public opinion, or afford assistance to the Government, both in questions of codification and legislation, and in wider matters of constitutional and international policy. Such a class is comparatively unknown in England, though "few countries have, from the principles and forms of its government and constitution, greater need of such a body than ours." (Legal Education Committee's Report, p. xxiv.; cf. pp. xlviii. and lvii.)

COURTNEY STANHOPE KENNY, LL.M.,
Fellow and Law Lecturer of Downing College,
Cambridge.

Creditors' Claims.

CREDITORS UNDER 22 & 23 VICT. CAP. 25.

LAST DAY OF CLAIM.

ARMSTRONG, JAMES CHARLES, Higher Broughton, Manchester, Book-keeper. Nov 1. Peacock and Gracia, Manchester.
 ARCHER, HENRY, West-hill, Putney, Tobacco Manufacturer, Dec 9. Kees and Marsland, Mark-lane.
 BAKER, JUDITH, Clarendon-rd, Putney. Oct 27. Robinson, Christchurch-passage, Newgate-street.
 BARNARD, JANE, Somerby Grove, Leicester. Jan 1. Peaks and Co, Sleaford.
 BATES, SARAH, Milbourne Hall, Northumberland. Nov 4. Mortimer, Newcastle-upon-Tyne.
 BEWICK, RICHARD, Ardwick, Manchester, Agent. Nov 1. Peacock and Gracia, Manchester.
 BLACKBURN, JOHN, Riding Hills, Northumberland, Yeoman. Nov 1. Leadbitter and Co, Newcastle-on-Tyne.
 BROUGHTON, REV. CLEMENT FRANCIS, Snelston Rectory, Derby, Clerk. Dec 1. Hand, Uttoxeter.
 BRUNDISH, GEORGE, Town row, nr Liverpool, Cattle Salesman. Dec 1. Pemberton, Liverpool.
 BUCKINGHAM, JOHN, Vals of Health, Clapton, Gent. Nov 17. Paine and Brettell, Chertsey.
 CULMAN, EDWARD, Dry Doddington, Lincoln, Farmer. Nov 1. MARRERS and Stelfield, Spittlegate, Grantham.
 CRAWFORD, ELIZABETH, Gough's-ort, Chester. Dec 1. Frodsham and Nicholson, Liverpool.
 CROOK, THOMAS, Maghull, Lancaster, Gent. Nov 20. Evans and Lockett, Liverpool.
 DAVIES, MATTHEW, Warminster, Wilts, Gent. Dec 1. Chapman and Pooting, Warminster.
 DAVIS, HENRY, Chessut-rd, Tottenham, Publican. Nov 8. Stileman, and Neate, Southampton st, Bloomsbury sq.
 DEERY, ELIZABETH, Manchester. Nov 13. Norris and Sons, Liverpool.
 DINGLE, RICHARD, Leyland, Lancaster, Farmer. Nov 1. Ashcroft Preston.
 HODDIN, JOHN, Leamington, Warwick, Dentist. Nov 20. Large, Leamington.
 HUGHES, THOMAS WHITMORE, Newcastle-upon-Tyne, Ship Broker. Dec 1. Ingledew and Daggett, Newcastle-upon-Tyne.
 LANGTON, Right Hon. ANNA ELIZA MARY GORE, Langton House. Nov 10. Tyies and Co, Essex st, Strand.
 LEADBITTER, BLANCHIE, Ryton, Durham. Dec 1. Ingledew and Daggett, Newcastle-upon-Tyne.
 LEE, CHARLES, Craighourne st, Leicester sq, House Decorator. Nov 15. Plagade and Co, Craven st.
 LEE, FREDERICK RICHARD, Barnstaple, Devon, Esq. Nov 15. Brown and Co, Lincoln's-inn-fields.
 LITTLEWOOD, BENJAMIN, Cheltenham, Esq. Dec 1. Hill, Worcester.
 MACU, JOHN HENRY, Tulse Hill, Surrey, Esq. Nov 30. Angell and Co, Gresham st.
 MOXON, GEORGE GILL, Tottenham, Major-General in HM's Indian Army. Nov 8. Parker, St. Helen's place, Bishopgate st.
 MULLINS, WILLIAM, Mosborough, Derby, Farmer. Jan 1. Alderson and Co, Ectington.
 PLESKITT, JOHN, Albany rd, Camberwell, Gent. Nov 7. Rogers and Chave, Queen Victoria st.
 QUILLIAN, MARY, Liverpool. Nov 10. Smith and Son, Liverpool.
 ROLLITT, THOMAS, Southorpe, Lincoln, Farmer. Dec 31. Plaskitt and Robbs, Gainsborough.
 SHAWLEY, GEORGE, Kildare-terrace, Westbourne Park, Gent. Nov 8. Harries and Co, Coleman st.
 SMITH, AUGUSTA, Ventnor, Isle of Wight. Nov 12. Cobbett, John st, Adelphi.
 SMITH, MARY ANN, Moss Side, Manchester. Jan 9. Ryalls and Son, Sheffield.
 THOMAS, JOHN HENRY, Merthyr Tydfil, Glamorgan, M.D. Nov 4. Lewis and Jones, Merthyr Tydfil.
 THORNTON, ELIZABETH, Marchamley Wood, Salop. Nov 13. Clarke and Sons, Shrewsbury.
 WARD, WILLIAM, York, Linen Weaver. Nov 15. Crumbie, York.
 WATKINSON, SAMUEL, sen., Brainree, Essex, Gent. Oct 28. Copland, Chelmsford.
 WHITE, ANN, Brock'ey, Kent. Nov 23. Lockyer, Deptford.
 WILKINSON, JOHN, Chesham, Manchester, Solicitors' Clerk. Nov 3. Farrar and H., Manchester.

[Gazette, Oct. 10.]

ASPFORD, THOMAS, Peperhall, Suffolk, Farmer. Nov 29. Southwell and Fry, Saxmundham.
 BAKER, DELAMARKE JAMES, Lyme Regis, Esq. Dec 1. Bolton and Co, Temple-gardens, Temple.
 CARW, ELIZABETH ANNE POLE, Compton Gifford, nr Plymouth. Oct 31. Priddham and Woolcombe, Plymouth.
 CARTERDEN, FREDERICK GEORGE, Saint Lawrence, Kent, Corn Factor. Nov 6. Pudding and Fielding, Canterbury.
 DIXON, ALICE, Cecil st, Strand. Nov 10. Price, Walbrook.
 GOODSWORTH, FRANCIS, Hatfield, York, Saddler. Dec 2. Goy and Cross, Barton-upon-Humber.
 HARCOURT, ANNE HOLWELL DANCY VERNON, Swinton Park, York. Dec 1. Burton and Co, Lincoln's-inn-fields.
 HEWITT, JOSEPH, Liverpool, Licensed Victualler. Oct 28. Lynch and Tebbey, Liverpool.
 HEWITT, MARY, Liverpool. Oct 28. Lynch and Tebbey, Liverpool.
 JACKSON, ELLIS, Horries, York. Dec 1. Eldridge and Stephenson, Hull.
 JOHNSON, CHRISTOPHER, Holbeach, Lincoln, Gent. Nov 21. Caparn and Co, Holbeach.
 JOHNSON, WILLIAM, Reclerton, Lancaster, Yeoman. Nov 29. Ansdell and Son, St. Helen's.
 PILKINGTON, CHRISTOPHER, Heaton Moor, Lancaster, Gent. Dec 13. Booth, Manchester.

POOOCK, ALFRED GEORGE DRAKE, Cheltenham, Esq. Nov 15. Jenks, Lincoln's-inn-fields.
 QUIGGIN, WILLIAM CHARLES, Liverpool, Ironmonger. Dec 1. Brabner and Court, Liverpool.
 SHARP, ANN, Long Clawson, Leicester. Dec 3. Attar, Melton Mowbray.
 SMITH, SAMUEL, Westbourne-terrace-road, Esq. Nov 30. Clarke and Co, Gresham House, Old Broad st.
 SPENCER, JAMES, Liverpool, Brickmaker. Nov 29. Ansdell and Son, St. Helen's.
 SPENCER, SAMUEL, Liverpool, Brickmaker. Nov 29. Ansdell and Son, St. Helen's.
 THORPE, REV. SAINT JOHN WELLS, Leighton rd, Camden Town, Clark. Nov 1. Rice and Co, Boston.
 WELCH, EDWARD ARTHUR, Whitechapel rd, Tobacco Manufacturer. Nov 10. Price, Walbrook.
 WHITTLE, THOMAS, Parr, St. Helen's, Provision Dealer. Nov 28. Ansdell and Son, St. Helen's.
 WILDEY, JOHN, Dinnington, York, Farmer. Jan 1. Alderson and Co, Ectington.

[Gazette, Oct. 14.]

ALLISTON, CHARLES, Montagu-sq, Esq. Dec 1. Stoneham and Legge, Philpot-lane, Fenchurch st.
 ALLISTON, SUSAN LYDIA, Montagu-sq. Dec 1. Stoneham and Legge, Philpot-lane, Fenchurch st.
 ATKINSON, ISAAC, Workshop, Nottingham, Retired Machine Maker, Dec 1. Coulson, Workshop.
 BROMLEY, EMMA, Tabley rd, Holloway. Dec 16. Fielder and Sumner, Goddard st, Doctors'-commons.
 DENT, WILLIAM, Liverpool, Innkeeper. Nov 22. Dent, York.
 ELLIOTT, MARY JOSEPHINE, Park st, Grosvenor sq. Nov 13. Pollock and Co, Lincoln's-inn-fields.
 FENTON, ALBERT, Birshead, Cotton Broker. Nov 29. Peacock and Co, Liverpool.
 FOSTER, THOMAS MEDLEY, Halland rd, Kensington, Gent. Dec 1. Stoneham and Legge, Philpot-lane, Fenchurch st.
 FOTHERGILL, THOMAS, Knutsford, Chester, Hop Merchant. Nov 21. Welch and Son, Manchester.
 GRAHAM, SARAH, Woodside, Over Darwen. Nov 15. Costaker, Over Darwen.
 GIRLING, JOHN BULLOCK, Framingham, Suffolk, Gent. Nov 18. Girling, Chadoev lane.
 GREEN, WALTER, Lower Belgrave st, Pimlico, Dairyman. Nov 10. Elliott, Vincent sq, Westminster.
 HYDE, MARIANNE, Aller, Somerset. Dec 15. Hyde and Co, Ely-place.
 JOHNSON, JOSEPH, Manchester. Auctioneer. Nov 7. Marlow, Manchester.
 KENDRICK, ELIZABETH, Hartshorne, Derby. Dec 13. Smith and Mammatt, Ashby-de-la-Zouch.
 KENDRICK, THOMAS TRUELOVE, Hartshorne, Derby, Gent. Dec 13. Smith and Mammatt, Ashby-de-la-Zouch.
 MERCER, THERESA, South Berstead, Sussex. Dec 15. Dunster, Henrietta st, Cavendish sq.
 MILLER, ROBERT, Albert st, Regent's Park, Gent. Nov 13. Wyatt, Regina rd, Tollington Park.
 MORRISON, WILLIAM, Stalybridge, Lancaster, Grocer. Dec 13. Hyde, Stalybridge.
 METTON, SARAH, Beckleton, Worcester. Nov 22. Norris and Myles, Tenbury.
 NUNN, JOHN, Tiverton, Devon. Nov 24. Clarke and Payne, Tiverton.
 ORGAN, GEORGE, Dursley, Gloucester, High Bailiff. Nov 13. Francillon, Dursley.
 RICHARDS, WILLIAM, Easby, Nottingham, Cottager. Dec 1. Stenton and Son, Southwell.
 SHUTTLEWORTH, EDWARD, Coleshill, Warwick, Gent. Nov 21. Blewitt, Birmingham.
 SHROTHAM, EDMUND CLEGG, Old Trafford, nr Manchester, Cotton Spinner. Dec 2. Stevenson and Co, Manchester.
 STONEHAM, MARK PHILLIP, Greenwich, Tailor. Nov 17. Stoneham, London st, Greenwich.
 STURGE, LEWIS JOSEPH, Inner Temple, Barrister-at-law. Dec 1. Burton and Co, Lincoln's-inn-fields.
 SWANN, FRANCIS, Cambridge. Nov 1. Wayman, Cambridge.
 WHITEHEAD, GEORGE WILLIAM, Sheffield, Set-onmaster. Dec 1. Allen, Sheffield.

[Gazette, Oct. 17.]

ANSON, ELIZA, West Hartlepool. Nov 20. Branton, West Hartlepool.
 BREWSTER, GEORGE, Stafford, Miller. Dec 6.
 BUCKLEY, JAMES, Shaw, Lancaster, Innkeeper. Nov 10. Standing and Taylor, Rockdale.
 BUTSON, JOHN, Long Ashton, Somerset, Labourer. Jan 1. O'Donoghue and Anson, Bristol.
 COOKE, NATHANIEL, Ladbroke terrace, Notting Hill, Esq. Dec 13. Jackson and Wright, Chancery lane.
 DEAN, WILLIAM, Ledsham, Chester, Farmer. Dec 20. Churton, Chester.
 DOBBIE, REV. JOHN GALE, Holton, St. Mary, Suffolk, Clerk. Dec 1. Tru-ver and Co, Throgmorton st.
 FOSTER, JAMES, Hindley Hall, Northumberland, Lead Manufacturer. Jan 1. Stanton and Atkinson, Pilgrim st, Newcastle-upon-Tyne.
 FROST, CHARLES, Ipswich, Farmer. Dec 30. Jockman and Sons, Ipswich.
 GALBRAITH, JAMES, Portrush, Ireland, Pilot. Dec 13. Rae and Thompson, Liverpool.
 GAY, CHARLES, Newton Abbott, Retired Surgeon. Nov 29. Creed, Newton Abbott.
 HOPKINSON, GEORGE, Tickhill, York, Farmer. Dec 1. Puppewell.
 JOHNSON, JAMES, North End, Hampstead, Gent. Dec 13. Jackson and Wright, Chancery lane.
 JONES, THOMAS, Saint Day, Cornwall, Carrier. Nov 3. Davis, Green st, Truro.
 LAWRENCE, JOHN, Cheddar, Somerset, Surgeon. Dec 1. Hobbs Well.

McMURTRY, JAMES TERESA, Chaloner st, Liverpool. Dec 1. Jones and Co, Liverpool
 MOTT, ISAAC ROBERT, King's Heath, Worcester, Bransfounder. Dec 18. Clarke, Birmingham
 PARKINSON, JOHN, Birkdale, Lancaster, Gent. Dec 1. Threlfall, Southport
 PARR, HENRY DINGDALE, Holles st, Cavendish sq, Esq. Dec 1. Reep and Co, Rush lane, Cannon st
 REYNOLDS, WILLIAM, Dartmouth Park Hill, Provision Merchant. Dec 1. Reynolds, Furnival's Inn
 SIMPSON, ALEXANDER, New Cross, Kent, Esq. Dec 21. Masterman and Co, New Broad st
 TANN, JOHN SAMUEL, Mare st, Hackney, Iron Safe Manufacturer. Nov 30. Randall and Son, Tokenhouse yard
 TEMPLEAR, BENJAMIN, Birkdale, Southport, Schoolmaster. Nov 21. Watts, Manchester
 WAINWRIGHT, ARCHIBALD, Liverpool, Gent. Dec 1. Jones and Co, Liverpool
 WILLIAMS, GEORGE CLEMENT, Norfolk Lodge, Teddington, Lamp Manufacturer. Nov 29. Kennedy and Co, Clement's inn, Strand
 YAKLEY, WILLIAM, Wiltshire, Norfolk, Farmer. Dec 15. Wright and Barton, East Dereham

[Gazette, Oct. 21.]

Court Papers.

SUPREME COURT OF JUDICATURE.

MICHAELMAS SITTINGS, 1879.

COURT OF APPEAL.

At Westminster.	Thursday .. 27	{Bkcy. apps. & other apps.
Monday, Nov. 3	Friday .. 28	{Appeals.
	Saturday .. 29	{
	Monday Dec. 1	{Tuesday .. 2
At Lincoln's Inn and Westminster		
Tuesday, Nov. 4		{App. motns. ex pte apps. from orders made on interlocutory motns. & other apps.
Wednesday .. 5	Appeals.	
Thursday .. 6	{Bkcy. apps. & or apps.	
Friday .. 7		
Saturday .. 8	Appeals.	
Monday .. 10		
Tuesday .. 11		
Wednesday 12	{App. motns. ex pte apps. from orders made on interlocutory motns. & other apps.	
Thursday .. 13	{Bkcy. apps. & or apps.	
Friday .. 14		
Saturday .. 15	Appeals.	
Monday .. 17		
Tuesday .. 18		
Wednesday 19	{App. motns. ex pte apps. from orders made on interlocutory motns. & other apps.	
Thurs. 20	{Bkcy. apps. and or apps.	
Friday .. 21		
Saturday .. 22	Appeals.	
Monday .. 24		
Tuesday .. 25		
Wednesday .. 26	{App. motns. ex pte apps. from orders made on interlocutory motns. & other apps.	

Lamacy petitions will be taken every Saturday during the sittings.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

MASTER OF THE ROLLS.		
At Westminster.	Friday .. 21	{Motns. adj. sums & gen. pa.
Monday, Nov 3. Motions.	Saturday .. 22	{Peta, sht. causes, adj. sums, and gen. pa.
At the Rolls House.		
Tuesday, Nov 4	Monday .. 24	{General paper.
Wednesday .. 5	Tuesday .. 25	{General paper.
Thursday .. 6	Wednesday .. 26	{General paper.
Friday .. 7	Thursday .. 27	{General paper.
	Friday .. 28	{Motns. adj. sums, & gen. pa.
Saturday .. 8	Saturday .. 29	{Peta, sht. causes, adj. sums, and gen. pa.
Monday .. 10	Monday, Dec 1	{General paper.
Tuesday .. 11	Tuesday .. 2	{General paper.
Wednesday .. 12	Wednesday .. 3	{General paper.
Thursday .. 13	Thursday .. 4	{General paper.
Friday .. 14	Friday .. 5	{Motns. adj. sums, & gen. pa.
Saturday .. 15	Saturday .. 6	{Peta, sht. causes, adj. sums, and gen. pa.
Monday .. 17	Monday .. 7	{General paper.
Tuesday .. 18	Tuesday .. 8	{General paper.
Wednesday .. 19	Wednesday .. 9	{General paper.
Thursday .. 20	Thursday .. 10	{General paper.

Monday .. 8	Tuesday .. 9	{General paper.
Wednesday .. 10	Thursday .. 11	{General paper.
Friday .. 12	Saturday .. 13	{Motns. adj. sums, & gen. pa.
		{Peta, sht. causes, adj. sums, & gen. pa.
Monday .. 15	Tuesday .. 16	{General paper.
Wednesday .. 17	Thursday .. 18	{General paper.
Friday .. 19	Saturday .. 20	{Motns. adj. sums, & gen. pa.
		{Peta, sht. causes, adj. sums, & gen. pa.

N.B.—The days, if any, on which the Master of the Rolls shall be engaged in the Court of Appeal are excepted.

Causes and actions in which witnesses are to be examined before the court will be taken on Tuesdays, Wednesdays, and Thursdays, and causes and actions without witnesses will be taken on Mondays; but when the list of causes and actions without witnesses is exhausted, causes and actions with witnesses will be taken on Mondays also.

Further Considerations will be taken as part of the General Paper in priority to Original Causes which have not already appeared in the paper.

Unopposed petitions must be presented, and copies left with the secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any cause intended to be heard as a short cause must be so marked in the cause-book at least one clear day before the same can be put in the paper to be so heard, and the necessary papers must be left in court with the judge's officer the day before the cause is to be put in the paper.

V.C. Sir RICHARD MALINS.

At Westminster.		
Monday, Nov 3. Motions.	At Lincoln's Inn.	
Tuesday, Nov 4	Wednesday 8	{General paper.
Wednesday .. 5	Thursday .. 9	{Motns. & gen. pa.
Thursday .. 6	Friday .. 10	{Sht. causes, pets., & gen. pa.
Friday .. 7	Saturday .. 11	{Adj. sums, & gen. pa.
Saturday .. 8	Monday .. 12	{General paper.
Monday .. 10	Tuesday .. 13	{Motns. & gen. pa.
Tuesday .. 11	Wednesday .. 14	{Sht. causes, pets., & gen. pa.
Wednesday .. 12	Thursday .. 15	{Adj. sums, & gen. pa.
Thursday .. 13	Friday .. 16	{General paper.
Friday .. 14	Saturday .. 17	{Motns. & gen. pa.
Saturday .. 15	Monday .. 18	{Sht. causes, pets., & gen. pa.
Monday .. 17	Tuesday .. 19	{General paper.
Tuesday .. 18	Wednesday .. 20	{Motns. & gen. pa.
Wednesday .. 19	Thursday .. 21	{Sht. causes, pets., & gen. pa.
Thursday .. 20	Friday .. 22	{Adj. sums, & gen. pa.
Friday .. 21	Saturday .. 23	{General paper.
Saturday .. 22	Monday .. 24	{General paper.
Monday .. 24	Tuesday .. 25	{General paper.
Tuesday .. 25	Wednesday .. 26	{General paper.
Wednesday .. 26	Thursday .. 27	{Motns. & gen. pa.
Thursday .. 27	Friday .. 28	{Sht. causes, pets., & gen. pa.
Friday .. 28	Saturday .. 29	{Adj. sums, & gen. pa.
Saturday .. 29	Monday, Dec 1	{General paper.
Monday, Dec 1	Tuesday .. 2	{General paper.
Tuesday .. 2	Wednesday .. 3	{General paper.
Wednesday .. 3	Thursday .. 4	{Motns. & gen. pa.
Thursday .. 4	Friday .. 5	{Short causes, pets., & gen. pa.
Friday .. 5	Saturday .. 6	{Adj. sums & gen. pa.
Saturday .. 6	Monday .. 7	{General paper.
Monday .. 7	Tuesday .. 8	{General paper.
Tuesday .. 8	Wednesday .. 9	{General paper.
Wednesday .. 9	Thursday .. 10	{Motns. & gen. pa.
Thursday .. 10	Friday .. 11	{Sht. causes, pets., & gen. pa.
Friday .. 11	Saturday .. 12	{Adj. sums & gen. pa.
Saturday .. 12	Monday .. 13	{General paper.

Monday .. 15	Tuesday .. 16	{General paper.
Wednesday .. 17	Thursday .. 18	{Motns. & gen. pa.
Friday .. 19	Saturday .. 20	{Sht. causes, pets., & gen. pa.
		{Adj. sums, & gen. pa.

Any cause intended to be heard as a short cause must be so marked in the cause book at least one clear day before the same can be put in the paper to be so heard, and the necessary papers must be left in court with the judge's officer the day before the cause is to be put into the paper.

V. C. Sir JAMES BACON.

At Westminster.	
Monday, Nov 3.	Motions At Lincoln's-inn.
Tuesday, Nov 4	{ General paper.
Wednesday .. 5	
Thurs., 6	{ Motns. adj. sums, & gen. pa.
Friday	{ General paper.
Saturday ... 8	{ Petns., sht. caus. & gen. pa.
Monday	{ In Bankruptcy.
Tuesday	{ General paper.
Wednesday .. 12	{ Motns. adj. sums & gen. pa.
Thursday .. 13	
Friday	{ General paper.
Saturday .. 15	{ Petns., sht. caus. & gen. pa.
Monday	{ In Bankruptcy.
Tuesday	{ General paper.
Wednesday 19	{ Motns. adj. sums & gen. pa.
Thurs.....20	
Friday	{ General paper.
Sat. 22	{ Petns., sht. caus. & gen. pa.
Monday	{ In Bankruptcy.
Tuesday .. 25	{ General paper.
Wednesy .. 26	
Thursday 27	{ Motns. adj. sums & gen. pa.
Friday	{ General paper.
Saturday .. 28	{ Petns. sht. caus. & gen. pa.
Monday	{ In Bankruptcy.
Tuesday	{ General paper.
Wednesday .. 10	{ Motns. & gen. pa.
Thursday .. 11	{ General paper.
Friday	{ Petns., sht. caus. & gen. pa.
Saturday .. 13	{ Gen. pa.
Monday	{ In Bankruptcy.
Tuesday	{ General paper.
Wednesday .. 16	{ Motns. & gen. pa.
Thursday .. 17	
Friday	{ General paper.
Saturday .. 18	{ Petns., sht. caus. & gen. pa.
Monday	{ In Bankruptcy.
Tuesday	{ General paper.
Wednesday .. 20	{ Petns., sht. caus. & gen. pa.
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Saturday...16 { Sht. caus., adj.
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Wednesday...19 {
Thursday...20 { Mts. & gen. pa.
Friday...21 { Pts. & gen. pa.
Saturday...22 { Sht. caus., adj.
sums, & gen. pa.

Monday...24 { General paper.
Tuesday...25 {
Wednesday...26 {
Thursday...27 { Mts. & gen. pa.
Friday...28 { Pts. & gen. pa.
Saturday...29 { Sht. caus., adj.
sums, & gen. pa.

Monday, Dec 1 { General paper.
Tuesday...2 {
Wednesday...3 {
Thursday...4 { Mts. & gen. pa.
Friday...5 { Pts. & gen. pa.
Saturday...6 { Sht. caus., adj.
sums, & gen. pa.

Monday...9 { General paper.
Tuesday...10 {
Wednesday...11 { Mts. & gen. pa.
Thursday...12 { Pts. & gen. pa.
Friday...13 { Sht. caus., adj.
sums, & gen. pa.

Monday...15 { General paper.
Tuesday...16 {
Wednesday...17 {
Thursday...18 { Mts. & gen. pa.
Friday...19 { Pts. & gen. pa.
Saturday...20 { Sht. caus., adj.
sums, & gen. pa.

Further Considerations will be taken as part of the General Paper in priority to Original Causes which have not already appeared in the Paper. Any cause intended to be heard as a Short Cause must be so marked in the Cause Book at least one clear day before the same can be put in the paper to be so heard, and the necessary papers must be left in court with

the Judge's officer the day before the cause is to be put into the paper.

Mr. Justice FRY.

At Westminster.

Monday, Nov 3... General paper.
At Lincoln's Inn.

Tuesday, Nov 4 { General paper.
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while fixed in place, or not at all, and can only be kept in existence by cold weather. It does not seem to us that it would be profitable to attempt to determine such a case as the present by applying the inconsistent and sometimes almost whimsical rules that have been devised concerning the legal character of crops and emblements. Ice has not been much dealt with as property until very modern times, and no settled body of legal rules has been determined upon concerning it. So far as the principles of the common law go, they usually, if not universally, treated nothing movable as realty unless either permanently or organically connected with the land. The tendency of modern authority, especially in regard to fixtures, has been to treat such property according to its purposes and uses as far as possible. . . . We think that any sale of ice already formed, as a distinct commodity, should be held a sale of personality, whether in the water or out of the water."

A return from the Controller in Bankruptcy on bankrupts' estates has been issued. It shows, first, the number of trustees of bankrupts' estates whose misconduct has been reported by the controller to the court in each year since the Bankruptcy Act, 1869, came into operation. In 1879 the number of reports issued of this nature was 298. As to the next head of inquiry, "the estimated loss sustained by bankrupts' estates since the passing of the Act through the defalcations of trustees and the failures of banks in which the moneys of such estates had been deposited by the trustees," the controller reports as follows:—"It is impossible under the present bankruptcy system to furnish an approximate estimate of the loss sustained by bankrupts' estates through the defalcations of trustees. There being no general audit of a trustee's accounts, defalcations cannot be discovered till the trustee's business happens to be suddenly closed by his death, or other cause. A trustee may continue an unsuspicious defaulter so long as his receipts on account of new business suffice to meet pressing payments on account of old business. For the purposes of this question bankruptcy proper cannot be separated from liquidation; a trustee acting in both would not proclaim himself a defaulter in a small bankruptcy matter for which he was compelled to account while he had funds belonging to liquidations for which he need only account 'at such time and in such manner as the creditors,' or some person holding their proxies, often the trustee himself, 'may think fit.' For this reason probably a very trifling deficiency has appeared in the bankruptcy accounts of some absconded professional trustees who have been reputed heavy defaulters in their general business. The last bankruptcy accounts of trustees who have absconded, died insolvent, or otherwise been discovered defaulters, show an aggregate balance of about £11,000 unaccounted for, but it cannot be supposed that these accounts show the full amount for which the trustees were accountable, even in respect of those particular bankruptcies. In some cases no accounts have been rendered. Funds belonging to a considerable number of estates in bankruptcy appear to have been lodged in banks which have stopped payment, but which will probably pay twenty shillings in the pound, so the creditors of those estates will only suffer from the delay and some expenses. The amount lodged in other banks at the date of their stoppage, so far as ascertained, is about £17,500, on which dividends averaging about ten shillings in the pound have been, or it is hoped will ultimately, be paid, so that the actual loss in these cases may be estimated at about £8,500."

At the Middlesex Sessions on Wednesday, Henry Good was indicted for having stolen a box containing £200 and various documents and papers. The jury found the accused guilty, and previous sentences were proved against him. When asked what he had to say why judgment should not be passed on him, he said: My lord, the statement I am about to make I trust the press will take notice of, not only on account of the present case, but also on account of any similar one that may occur. I have been a licensee-holder (ticket-of-leave, since October 21, 1878. I could, had I chosen, have evaded the law by going out of the country, or by going into the provinces, but I have not done so. I have obeyed the law by reporting myself at the appointed period once a month, and what are all the consequences to me for doing so? In the first place, I have the evil of going to the station-house. In the next, I have an evil, the nature of which is a thousandfold greater than the former, by being liable to be taken at any time and charged with the crimes and offences of other persons. If a robbery is committed, as in this case, when the persons present have some clue as to the person or

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	COURT OF APPEAL.	MASTER OF THE ROLLS.	V.C. MALINS.
Saturday ..Oct. 25	Mr. Ward	Mr. Clowes	Mr. King
Monday ..Oct. 27	Koe	Jackson	Farrer
Tuesday ..Oct. 28	Clowes	Cobby	Teesdale
Wednesday... 29	Koe	Jackson	Farrer
Thursday... 30	Clowes	Cobby	Teesdale
Friday..... 31	Koe	Jackson	Farrer
Saturday ..Nov. 1	Clowes	Cobby	Teesdale
V. C. BACON.			
Saturday ..Oct. 25	Mr. Jackson	Mr. Farrer	Mr. Justice
Monday ..Oct. 27	Latham	Pemberton	Merivale
Tuesday ..Oct. 28	Leach	Ward	King
Wednesday... 29	Latham	Pemberton	Merivale
Thursday... 30	Leach	Ward	King
Friday..... 31	Latham	Pemberton	Merivale
Saturday ..Nov. 1	Leach	Ward	King

Legal News.

In a case of *Higgins v. Kusterer*, reported in the *Central Law Journal*, the Supreme Court of Michigan considered the nature of the property in ice. Campbell, C.J., in delivering judgment, said: "While we think there can be no doubt that the original title to ice must be in the possessor of the water where it is formed, and while it would pass with that possession, yet it seems absurd to hold that a product which can have no use or value except as it is taken away from the water, and which may at any time be removed from the freehold by the moving of the water, or lose existence entirely by melting, should be classed as realty instead of personality, when the owner of the freehold chooses to sell it by itself. When once severed no skill can join it again to the realty. It has no more organic connection with the estate than anything else has that can float upon the water. Any breakage may sweep it down the stream and thus cut off the property of the freeholder. It has less permanence than any crop that is raised upon the land, and its detention in any particular spot is liable to be broken by many accidents. It must be gathered

persons who may have committed it, they are taken to the police-station, and there give a written description of the suspected persons. The next process is that telegraphic messages are sent to the various London police-stations, and should they name licence-holders who may have a similar description to the written one, straightway they send for the person or persons who may identify the said likenesses. They, of course, are told that these persons are licence-holders—liberated convicts—and thus, having had their minds inspired with hatred and revenge, they are ready at once to say that the likeness shown them is that of the suspected person. The next step taken is to see the original, and, having once said so, they maintain it. Now, suppose there were kept at each local police-station 200 or 300 likenesses of persons known to be in respectable positions, and when persons had been robbed by any means, and the persons so robbed were able to identify the robbers, that they were taken to the said police-stations and shown these likenesses, and not told that they were those of respectable persons, neither should they be told that they were those of liberated convicts, but certainly they would infer they were, on account of being at the police-station. Now, in the event of them fixing upon one or more and then being taken to the original, and they should say "That is the person," what next would follow? Why, the law would step in and say, "No, this is not the man; he is a respectable man." But if he should be a liberated convict the law would say, "Yes, yes, you can swear to him as much as you like." What would be the value of such an identification? It would be simply worthless. Logically it would be a failure, and in common sense it would be a blunder. Yet this is how I am placed. Had I not been a licence-holder I certainly should not have been charged with this felony, and certainly should not have been convicted.

PUBLIC COMPANIES.

Oct. 23, 1879.

GOVERNMENT FUNDS.

3 per Cent. Consols, 97½	Annuities, April, '88, 94
Ditto for Account, 97½	Do. (Red Sea T.) Aug. 1868
Do. 3 per Cent. Reduced, 96½	Ex Billie, £1000, 2½ per Ct. 17 pm.
New 3 per Cent., 96½	Ditto, £500, Do, 17 pm.
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 17 pm.
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 265
Annuities, Jan. '89	Ditto for Account.

INDIAN GOVERNMENT SECURITIES.

Ind. Stk., 5 per C., July, '80, 102½	Enf. Pr. 5½ per Cent., May, 81
Ditto for Account, —	Ditto Debentures, 4 per Cent
Ditto 4 per Cent., Oct. '88, 102½	April, '84
Ditto, ditto, Certificate —	Do. Do. 5 per Cent., Aug. '73
Ditto Enforced Ppr., 4 per Cent.	Do. Bonds, 4 per Cent. £1000
2nd Enf. Pr., 5 per C., Jan. '73	Ditto, ditto, under £1000

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

DEAN.—Oct. 14, at Carlton-villas, Slough, Bucks, the wife of Charles Frederick Dean, solicitor, of a daughter.
LAKE.—Oct. 16, at Highgate, the wife of Herbert Lake, barrister, of Lincoln's-inn, of a daughter.
MALDEN.—Oct. 19, at 1, Warwick-road North, Maida-hill, W., the wife of Charles Edward Malden, barrister-at-law, of a son.
SHIELD.—Oct. 12, at Uppingham, the wife of W. T. Shield, solicitor, of a son.

MARRIAGES.

KINKRAD—HEDLEY.—Oct. 16, at St. Mary Magdalene, Paddington, Richard Evan John Kinkrad, solicitor, Stalybridge, to Sarah Ann Hedley, daughter of the late James Hedley, of Nottingham-hill.
WARD—BREWER.—Oct. 14, at Holy Trinity Church, Paddington, John Edward Ward, of Newport, Mon., solicitor, to Agnes, widow of the late C. Claridge Brewer, of the same place, surgeon.

DEATH.

LEECH.—Oct. 18, at Chetwynd House, Derby, Samuel Leech, solicitor, aged 61.

LONDON GAZETTES.

BANKRUPTS.

FRIDAY, Oct. 17, 1879.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Esper, Camille, Cambridge gardens, Notting Hill. Pet Oct 13. Brougham. Nov 4 at 11
Harty, Edward James, Regent st, Artist. Pet Oct 15. Brougham. Nov 4 at 12
Redford, Peter John, Station terrace, Kew Bridge, Law Stationer. Pet Oct 16. Haslitt. Oct 29 at 11

To Surrender in the Country.

Battye, Wright, Goodramsgate, York, Innkeeper. Pet Oct 15. Perkins. York, Nov 3 at 11
Coute, Charles, and Hayes Hodgson, Barrow-in-Furness, Coach Builders. Pet Oct 13. Postlethwaite. Barrow-in-Furness, Oct 29 at 3
Ellison, Edward, Cobridge, Stafford, Schoolmaster. Pet Oct 15. Tennant. Hanley, Oct 29 at 11
Geldart, Harry May, and John Grayson, Manchester, Commission Agents. Pet Oct 13. Lister. Manchester, Nov 3 at 11
Hollingsworth, William, Long Eaton, Derby, Machinist. Pet Oct 14. Walker. Derby, Oct 31 at 12
McDonald, Alexander, Leicester, out of business. Pet Oct 15. Ingram. Leicester, Oct 29 at 11
Short, Joseph, Brislington, Somerset, Farmer. Pet Oct 14. Hanley. Bristol, Oct 30 at 2
Walker, Thomas, Wetley Rocks, Stafford, Licensed Victualler. Pet Oct 10. Mair. Macclesfield, Oct 30 at 11
Weldon, James Albert, and James Mather, Nottingham, Oil and Colour Merchants. Pet Oct 15. Patchitt. Nottingham, Nov 4 at 2
Yates, Walter Edward, and William Forrit, Droylesden, Lancaster, Engineers. Pet Oct 13. Hall. Ashton-under-Lyne, Oct 30 at 12

TUESDAY, Oct. 21, 1879.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Broadbent, T. E. B. Thistle grove, West Brompton. Pet Oct 17. Brougham. Nov 7 at 11
Fenton, James, Duke st, Little Britain, Tailor. Pet Oct 18. Haslitt. Nov 4 at 11
Nicholls, Joseph Osborne, John Lilly, and George Samuel Bunyan, Hind ct, Fleet st, Varnish Makers. Pet Oct 16. Brougham. Nov 4 at 12

To Surrender in the Country.

Higgins, Ann, Torquay, Devon. Pet Oct 17. Daw. Exeter, Nov 12 at 12
Mumfries, Anne, North st, Exeter. Pet Oct 17. Daw. Exeter, Nov 12 at 12
Jackman, Alexander, Exeter, Tailor's Workman. Pet Oct 17. Daw. Exeter, Nov 12 at 12
Roberts, William, Blundell Sands, near Liverpool, out of business. Pet Oct 16. Belkner. Liverpool, Nov 3 at 12
Shiel, Thomas, Middlesborough, Shipbroker. Pet Oct 10. Crosby. Stockton-on-Tees, Nov 4 at 2.30
Smart, William, Bexley heath, Kent, Builder. Pet Oct 16. Hayward. Rochester, Nov 10 at 2
Scott, John, North Shields, Master Mariner. Pet Oct 16. Mortimer. Newcastle, Oct 31 at 11

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 17, 1879.

Dicker, Alfred Cecil, West Moulsey, Surrey. Oct 10
Hide, James, Chiddingfold, Sussex, Miller. Oct 7
Fheysey, Sarah, Great Tower st, Wine Merchant. Oct 11

LIQUIDATIONS BY ARRANGEMENT.

FRIDAY, Oct. 17, 1879.

Ackroyd, John, Manchester, Licensed Victualler. Oct 31 at 3 at offices of Heath and Sons, Swan st, Manchester
Akersley, Nathan Atkinson, Kelghiey, York, China Dealer. Oct 31 at 3 at offices of Wright and Waterworth, Devonshire buildings, Kelghiey
Alexander, John Thomas Albert, Fenchurch st, General Merchant. Nov 4 at 3 at offices of Christmas, Walbrook
Ashworth, George, Rochdale, Grocer. Oct 31 at 3 at offices of Faithful, Yorkshire st, Rochdale
Barker, William, Liverpool, Printer. Oct 30 at 2 at offices of Cotton, South John st, Liverpool
Bates, Joseph, Kingsley, Buckingham, Farmer. Oct 31 at 3 at offices of Parker, Corn Market, Thame
Bath, Henry Morris, and James Jones, Hanley, Carriage Builders. Oct 29 at 11 at Vine Inn, Stafford
Berry, John, Daisyfield, nr Bury, Nurseryman. Oct 29 at 3 at offices of Anderson and Donnelly, Garden st, Bury
Birke, Abraham, Wol verhampton, Boot and Shoemaker. Nov 1 at 11 at offices of Hill, Queen sq, Wolverhampton
Bolton, Thomas, Blackburn, Plumber. Oct 30 at 3 at offices of Polding, Tackett's st, Blackburn
Bourn, William Henry, Withington, Lancaster, Tobacconist. Nov 1 at 3 at York Hotel, York st, Manchester
Bramhall, William, Radfield, Derby, Stonemason. Oct 30 at 3 at Norfolk Arms Hotel, Glossop
Buckle, James, Leeds, Leather Dresser. Oct 30 at 11 at offices of Jackson, Albion st, Leeds
Burnell-Jones, Henry William, Risca, Monmouth, Chemist. Nov 3 at 12 at offices of Farr and Wade, Dock st, Newport
Burt, Abraham, Bower Hinton, Somerset, Baker. Nov 4 at 11 at offices of Bollen, South st, Yeovil
Cary, Gustavus Vaua Brooke, Blaenavon, Monmouth, Beer Agent. Oct 29 at 12.30 at offices of Dancey, Albion chambers, Newport
Chadwick, John, Ilkeston, Derby, Greengrocer. Nov 3 at 12 at Maple Hotel, Long row, Nottingham
Chapman, Nancy, Rendsbury, Lancashire, Grocer. Nov 3 at 3 at offices of Kearsley and Co, Brassfoundry st, Manchester

Drakill, John, Wheston, Suffolk, Farmer. Oct 31 at 12 at the Guildhall, Bury St. Edmunds. Gross
 Colliard, George, Henstridge, Somerset, Cattle Dealer. Oct 30 at 2 at Highgate Hotel, Sherborne. Watts, Yeovil
 Cook, Arthur Benjamin, Appledore, Devon, Blockmaker. Oct 31 at 11.30 at offices of Thorne, Castle st, Barnstaple
 Cooper, Frederick, Essex pl, Hackney rd, Ironmonger. Oct 30 at 3 at 25, High st, King'sland. Fenton
 Corbett, Robert, Leicester, Coach Driver. Oct 29 at 3 at offices of Felstead, Granby st, Leicester
 Crabtree, James, Heywood, Lancashire, Cotton Waste Dealer. Nov 3 at 3 at offices of Leigh, Brown st, Manchester
 Cress, Thomas, Wigan, Provision Dealer. Nov 4 at 3 at offices of Wood, King st, Wigan
 Cunningham, Charles, Leicester, Stone Mason. Nov 3 at 12 at offices of Chibres, Market st, Leicester
 Davenport, Thomas, Rochdale, Coach Builder. Oct 31 at 3 at offices of Sandring and Taylor, King st, Rochdale
 Davies, James, Southbridge, out of business. Oct 30 at 3 at offices of Waliron, High st, Brierley Hill
 Dibb, William, Kingston-upon-Hull, Agricultural Merchant. Oct 30 at 11 at offices of Peabingell, County bldgs, Lund of Green Ginger, Kingston-upon-Hull, Butcher. Oct 29 at 10.30 at offices of East, Temple st, Birmingham
 Earl, Francis Thomas, Shifnal, Salop, Veterinary Surgeon. Oct 30 at 2.30 at offices of Phillips and Co, Shifnal
 Ellis, James Howard, Bournemouth, Builder. Nov 6 at 2 at Bath Hotel, Bournemouth. Sharp, Christchurch
 Euston, Richard Hart, North Waltham, Hants, Farmer. Oct 30 at 2 at offices of Bayley, Basingstoke
 Evans, Thomas, Feltnach, Farnbrooke, Miller. Oct 29 at 12 at offices of Morgan and Richardson, Chancery lane, Cardigan. Griffiths, Carmarthen
 Evans, William Marklew, Chesterfield, Commission Agent. Oct 29 at 2.30 at offices of Higginbottom and Co, Irongate, Chesterfield. Knack, Chesterfield
 Fisher, John Anthony, Barnstaple, Licensed Victualler. Oct 31 at 3 at offices of Thorne, Castle st, Barnstaple
 Ford, Mary Ann, Wolverhampton, Licensed Victualler. Oct 31 at 11 at offices of Willcock, Queen st, Wolverhampton
 Fowler, John Lawrence, Blandford, Dorset, Coal Merchant. Nov 3 at 11 at Antelope Hotel, Loochester. Howard, Malcolmbe Regis
 French, Philip, Manchester, Importer of Fancy Goods. Nov 3 at 2 at offices of Heath and Sons, Swan st, Manchester
 Gandy, George, Sevenoaks, Kent, Saddler. Oct 28 at 12.30 at Guildhall Coffee house, Gresham st. Knockner, Sevenoaks
 Garget, Robert Taylor, Darlington, Durham, Joiner. Nov 5 at 11 at Trolleyman Hotel, Darlington. Dunn and Watson, Darlington
 Gault, Thomas, Southport, Milliner. Oct 30 at 3 at offices of Threlfall, London st, Southport
 Gilling, James, Upper Grange rd, Bermondsey, Poultry Dealer. Oct 29 at 3 at Guildhall Tavern, Gresham st. Baldwin, Southampton buildings, Chancery lane
 Greenwood, Joseph, Bellefield, Lancaster, Innkeeper. Oct 31 at 10.30 at Wellington Hotel, Rochdale. Eastwood, Toimordan
 Gwyn, Robert, Leeds, Machinist. Oct 30 at 1 at offices of Emsley, Commercial buildings, Park row, Leeds
 Hildith, Henry, Birmingham, Jeweller. Oct 29 at 3 at offices of Jacques, Temp's chambers, Temple row, Birmingham
 Jones, Edward, Twins'ed, Essex, Farmer. Oct 29 at 3 at Four Swans Hotel, Sudbury. Andrews and Co, Sudbury
 Le, Henry, Tredgar, Monmouth, Grocer. Oct 31 at 2 at offices of Shepard, Queen st, Tredgar
 Lee, Seythems Thomas, York town, Farnborough, Watchmaker. Nov 5 at 4.30 at offices of Morphet and Hanson, King st, Chapside. Terry, King st, Chapside
 Lepp, John, Whitechurch, Hants, Farmer. Nov 1 at 12 at offices of Lepp, Great George st, Westminster. Bayley, Basingstoke
 Lepp, Robert, Tunstall, York, Draper. Oct 29 at 1 at North Eastern Hotel, Darlington. Croft, Richmond
 Lepp, Richard Thomas, Heywood, Lancaster, Joiner. Oct 31 at 2.30 at offices of Molewaleth, the Walk, Rochdale
 Lester, William, Kingston-upon-Hill, out of business. Oct 29 at 3 at offices of Summers, Manor st, Kingston-upon-Hill
 Lough, James, Willenhall, Stafford, Beerhouse Keeper. Oct 29 at 11 at offices of Baker, Walsall st, Willenhall
 Looman, Raphael, Birmingham, Boot and Shoe Dealer. Oct 27 at 3 at offices of East, Temple st, Birmingham
 Lott, Thomas, and William Isard, Sevenoaks, Kent, Tailors. Oct 28 at 2.30 at Guildhall Coffee house, Gresham st. Knockner
 Louson, Henry, Victoria Dock rd, Canvassing town, Fishmonger. Oct 29 at 10.30 at 49 Bromley st, Commercial rd East. Hicks, Victoria park rd
 Louson, Thomas, Pentre Ystrad, Glamorgan, Outfitter. Oct 31 at 12 at offices of Rosser, High st, Pontypridd
 Louson, George, Leek, Stafford, Boot Maker. Oct 28 at 11 at Swan Hotel, St Edward st, Leek. Bishton, Leek
 Lowthry, John Frederick, and Charles Kenworthy, Buckley New Hill, Saddleworth, York, Woollen Manufacturers. Oct 30 at 12 at offices of Frapp, Clegg st, Oldham
 Luck, James, Bristol, Grocer. Oct 29 at 2 at offices of Sibly, Exchange West, Bristol
 Lusher, William George, and Mark Rodwell Parker, Leeds, Oil Merchants. Oct 28 at 2 at offices of Walker, South parade, Leeds
 Lusher, Richard, Striford, Lancaster, Draper. Nov 3 at 3 at offices of Nuttall and Son, John Dalton st, Manchester
 Lusher, Henry, Chorlton-upon-Medlock, Manchester, Plumber. Nov 5 at 4 at offices of Cobbett and Co, Brown st, Manchester
 Lusher, John, East Ogwell, Devon, Smith. Oct 29 at 4 at Magor's Hotel, Newton Abbot. Hartnoll
 Lusher, James, Heywood, Lancaster, Mason. Oct 28 at 3 at offices of Edwards, Basingstoke st, Manchester
 Lusher, Mary Ann, Liverpool, Ale Dealer. Oct 30 at 11 at offices of Lusher, Lord st, Liverpool
 Lusher, Rungford, Bootle, Lancaster, Grocer. Oct 29 at 2 at offices of Roscoe and Price, North John st, Liverpool. Quinn and Sons, Liverpool

May, William, Birkenhead, Tallow Chandler. Oct 29 at 3 at offices of Thompson, Hamilton st, Birkenhead
 McDonnell, John, Bridport, Dorset, Draper. Oct 31 at 3 at offices of Lock and Son, High West st, Dorchester
 McIlroy, James, Holyhead, Anglesey, Bootmaker. Nov 5 at 2 at the Crewe Arms Hotel, Crewe. Dew, Llandudno
 Mellins, William, Birkenhead, Boot and Shoe Maker. Nov 3 at 2 at offices of Hannan and Pugh, Duncan st, Birkenhead
 Miller, William, Hereford, Tailor. Nov 6 at 12.30 at offices of Andrews and Mason, Ironmonger lane, Cheapside. Corner, Hereford
 Moses, Frederick Isaac, Birmingham, Commission Agent. Oct 30 at 12 at offices of Hawkes and Weekes, Temple st, Birmingham
 Noworthy, Walter John, Crewkerne, Somerset, Organist. Oct 29 at 12 at Wood's Hotel, Farnival's inn. Davies, Sherborne
 Oates, George, Dewsbury, York, Auctioneer. Oct 30 at 3 at offices of Ridgway and Ridgway, Union st, Dewsbury
 Oldroyd, Edwin, Ravensthorpe, York, Contractor. Oct 29 at 3 at Royal Hotel, Dewsbury Lodge, Wakefield
 Painting, Charles, Birmingham, Builder. Oct 27 at 10.15 at offices of East, Temple st, Birmingham
 Pearce, James Bromley, Gosport, Hants, News Agent. Nov 3 at 11 at offices of Edmunds and Co, St James' st, Portsea. Blake and Reed, Pearson, Charles Austin, Northampton. Oil and Colourman. Nov 3 at 12.30 at Angel Hotel, Bridge st, Northampton. Wright and Hincks, Leicester
 Pedler, William, Cardiff, Umbrella Manufacturer. Nov 4 at 3 at offices of Mann and Kennard, Queen st, Cardiff. Ingledew and Co
 Penton, Charles, Hoxton st, Hoxton, Baker. Oct 27 at 11 at offices of Marchant and Co, Ludgate hill. Staniland, Ludgate hill
 Perkins, George, Newport, Isle of Wight, Baker. Nov 3 at 3 at Warburton's Hotel, Quay st, Newport. Hooper, Castlehold, Newport
 Phillips, Elias, Old Kent rd, Upholsterer. Oct 28 at 11 at offices of Borden and Co, Victoria house, Trinity st, Southwark
 Piercy, Thomas, Birmingham, Coal Merchant. Nov 7 at 11 at offices of Griffin and Griffin, Temple row West, Birmingham
 Pinniger, William Rich, Ruckland, Berks, out of business. Oct 30 at 12 at Railway Tavern, Uffington Junction, near Faringdon. Jochem, Wantage
 Pitt, Thomas Henry, Mile End, Walthamstow, Essex, Commercial Traveller. Nov 4 at 2 at offices of Norris, Southampton buildings, Chancery lane
 Polwarth, Robert, Newcastle-upon-Tyne, Boot and Shoe Dealer. Oct 30 at 3 at offices of Stanford, Collingwood st, Newcastle-upon-Tyne
 Postle, Robert, Alresford, Essex, Farmer. Nov 3 at 11 at Fleeces Hotel, Colchester. Cardinall, Halstead
 Potter, Charles Edward, Edward st, Deptford, and George Thomas Pearson, Lucas st, New Cross, Builders. Oct 27 at 11 at offices of Jones, Church passage, Chancery lane
 Pound, John, Dalston lane, Dalston, Seed Merchant. Oct 25 at 1 at offices of Marshall, Chancery lane
 Reading, Edward, Charscote, Warwick, Blacksmith. Oct 29 at 11 at offices of Sanderson, Chancery st, Warwick
 Rees, Edward, Swansea, Builder. Oct 25 at 12 at offices of Jelliooe, Prospect place, Swansea
 Reynolds, Thomas, Birmingham, Boot Manufacturer. Nov 4 at 11 at offices of Canning and Canning, Waterloo st, Birmingham
 Richardson, Joseph, Fazeley, Stafford, Basket Maker. Nov 3 at 3 at offices of Nevill and Atkins, Tamworth
 Riley, William, Holdenford, Lancashire, Licensed Victualler. Oct 29 at 3 at offices of Whitworth, St James' sq, Manchester
 Roberts, James, Rawtenstall, Lancashire, Builder. Nov 5 at 3 at the Swan Hotel, Bolton. Anderson and Donnelly
 Robinson, John, Girsford, Bedford, Gardener. Nov 3 at 3 at the Bell Inn, Sandy. Stimson, Bedford
 Ross, William, Middlesborough, Running Filter. Oct 27 at 11 at offices of Addenbrooke, Zetland rd, Middlesborough
 Rostron, John, Wigan, out of business. Oct 30 at 11 at offices of Stuart, King st, Wigan
 Sankey, William Edmund, Tysull near Wolverhampton, out of business. Oct 30 at 11 at the Queen's Hotel, Stephenson place, Birmingham. Shakespeare, Oldbury
 Searcy, Henry, Kingston-upon-Hill, Shoemaker. Oct 29 at 4 at offices of Summers, Manor st, Kingston-upon-Hill
 Sergeant, Thomas, Nantwich, Provision Dealer. Oct 31 at 11 at the Albert chambers, Church Side, Crewe. Pointon, Crewe
 Sims, Albert, Trowbridge, Wilts, Tailor. Oct 28 at 2 at offices of Pitt, St John st, Bristol. Rodway
 Smith, George, Hardwick, Warwick, Farmer. Oct 29 at 11 at the Seven Stars Inn, Rother st, Stratford-upon-Avon
 Smith, Robert Marston, Derby, Contractor. Nov 7 at 12 at offices of Heath, Amen alley, Derby
 Stevenson, Solomon, Leek, Stafford, Grocer. Oct 28 at 3 at the Swan Hotel, St Edward st, Leek. Bishton, Leek
 Sutcliffe, John, and Bernard Atkinson, Barrowford, Lancashire, Cotton Manufacturers. Oct 29 at 3 at Rawlinson's Temperance Hall, St James' row, Burnley. Baldwin and Procter, Burnley
 Thornhill, Joseph, Nottingham, Lace Maker. Oct 29 at 11 at offices of Wells and Hind, Fletcher gate, Nottingham
 Trapp, Samuel Clement, Gregory Alcock, and Guy Wood, Polesworth, Warwick, Colliery Proprietors. Oct 28 at 2 at the Queen's Hotel, Birmingham. Wragge and Co, Birmingham
 Trevallion, Jabez, Warner place, Hackney rd, Chair Manufacturer. Oct 24 at 3 at offices of Morris, Carter lane, Doctors Commons
 Tunstall, John Edward, Baxter rd, Islington, Licensed Victualler. Nov 3 at 3 at offices of Boulton and Sons, Northampton sq, Clerkenwell
 Turner, Oliver, and Henry Moore, Bradford, York, Staff Merchants. Oct 29 at 11 at offices of Hutchison, Piccadilly chambers, Piccadilly, Bradford
 Wallis, Charles, New Basford, Nottingham, Boot Merchant. Nov 5 at 12 at St Peter's chambers, St Peter's gate, Nottingham. Brittle
 Walton, William, Over Darwen, Lancashire, Confectioner. Oct 30 at 11 at offices of Cusker, Church st, Over Darwen
 Ward, James, Liverpool, Metal Merchant. Oct 30 at 12 at offices of Keighly and Co, Castle st, Liverpool
 Watkins, Thomas Henry, Sunderland, Wine Merchant. Oct 31 at 3 at offices of Dixon, High st West, Sunderland

Forster, James, Chesham Rd, Ot Portland st, Upholsterer. Nov 3 at 11 at offices of Lumley and Lumley, Conduit st, Bond st
Forster, George, Great Warford, Chester, Beerhouse Keeper. Nov 3 at 11 at offices of Brown and Ainsworth, St Petergate, Stockport
Foulkes, William, Tadmam, Birmingham, Architect. Oct 31 at 11 at offices of Wood and Son, Waterloo st, Birmingham
Frankland, Henry, Blackwell, Chesham rd, Photographic Publisher. Nov 3 at 11 at offices of Swan, Ombelwood rd, Bolton
Fulcher, Alfred, the younger, Ipswich, Sewing Machine Manufacturer. Nov 3 at 13 at Pearce's Rooms, Princess st, Ipswich. Aldous
George, Samuel, Grocery, Falsgrave, Scarborough, of no occupation. Nov 4 at 3 at offices of Ladbury and Co, Chesapside, Warr, Scarborough
German, John, Whitlessay, Cambridge, Baker. Oct 30 at 11 at offices of Rutland and Graves, Priestgate, Peterborough. Graves and Rutland, Whitlessay
Good, John, Canning Town, Essex, Refreshment house Keeper. Nov 3 at 3 at offices of Young and Sons, Mark lane
Hancock, John, West Ham, Essex, out of business. Nov 6 at 3 at offices of Buchanan and Rogers, Basinghall st
Haslam, John, Winrow, Market Drayton Salop, Slave Bottom Manufacturer. Nov 6 at 11 at Royal Hotel, Crews, Bolton, Market Drayton
Hayter, Harry, Bradbury st, Hackney, Boot Maker. Nov 11 at 11 at offices of Holloway, Ball's Pond rd, Islington. Cooper, Chesham lane
Higgs, Sarah, Bow rd, Bow, Corn Dealer. Nov 4 at 3 at offices of Smith, Gt St Helens. Brodribb, Gt St Helens
Holroyd, Ben, Lepton, York, Handloom Weaver. Nov 6 at 3 at offices of Freeman, Market walk, Huddersfield
Hoyle, Arthur, Hollowgate, York, Cab Proprietor. Oct 30 at 3 at offices of Booth, Holmfirth
Hoyle, Ezra, Bedford, York, Painter. Nov 3 at 11 at offices of Wright, Bedford
Howard, Thomas, Ardwick, Lancashire, Stationer. Nov 6 at 11 at offices of Marlow, Cross st, Manchester
Jackson, Thomas, Linsdale-in-Cleveland, York, Tailor. Nov 7 at 11 at offices of Weston, Park row, Leeds. Collier, Lofthouse-in-Cleveland
Jackson, William, West Hartlepool, Farmer. Nov 3 at 3 at offices of Simpson, Church st, West Hartlepool
Jefferies, Evan, Gloucester, Grocer. Nov 1 at 11 at offices of Ellis, Clere st, Bristol
Jones, William, Tylshington, Somerset, Coal Hauler. Nov 11 at 11 at offices of McCarthy, Frome
Johnson, Thomas, Altrincham, Cheshire, Grocer. Nov 3 at 3 at offices of Sumner, Marsden st, Manchester
Jones, James, Farnworth, Lancashire, Builder. Nov 3 at 3 at offices of Pennington and Bradshaw, Mawdsley st, Bolton
Jones, Joseph, Aberdunoway, Carmarthen, Farmer. Nov 6 at 11 at offices of Lloyd, High st, Lampeter
Kilham, Abraham, Market St, Cheshire, Stonemason. Nov 4 at 11 at offices of Sherratt and Son, Market st, Kidsgrove
Lee, William, Sanderton, Broton, York, out of business. Nov 11 at 11 at offices of Wilkie, Northgate, Darlington
Lewis, James, St. Paul's Churchyard, Warchington, Nov 11 at 11 at the Masons' Hall Tavern, Masons' avenue, Basinghall st, Leeds
King Edward st, Newgate at
Lock, Frank Henry, Bridgewater, Grocer. Nov 1 at 3 at the Grey Hotel, Temple st, Bristol
Lichstone, Frederick, James, Gracechurch st, Manufacturer of Crockery. Nov 14 at 3 at Inns of Court Hotel, Lincoln's Inn, London
Gill, Lodge, hill
Lilley, William, Birmingham, Beer Retailer. Nov 3 at 12 at offices of Hawkes and Weekes, Temple st, Birmingham
Lyon, James, Manchester, Porter. Nov 3 at 3 at offices of Lane, Bekeley sq, Salford
Macdonald, Duncan, George Forbes, Seaford, Sussex, Author. Nov 12 at Crown Hotel, Lewes. King Walbrook
Marshall, Nathaniel, Grosvenor, Draper. Nov 5 at 12 at offices of Lord, Grantham. Thimble and Son, Spilby
Martin, James, Seinton, Nottingham, Plumber. Nov 3 at 3 at offices of Cranch and Stood, Low pavement, Nottingham
Mason, Able, Knaresborough, York, Slater. Oct 31 at 10 at offices of Crumlie, Stonegate, York. Farmers, Knaresborough
McMillan, John, and Earnest Dainty, Falcon sq, Mantle Manufacturer. Nov 11 at 3 at Guildhall Tavern, Greenwich st. Montague, Salisbury
Merchall, Henry, Llandudno, Carnarvon, Box Dealer. Nov 5 at 11 at Queen's Hotel, Chester. Chambersall, Llandudno
Middleman, William, Monkstons, Northumberland, out of business. Oct 31 at 2 at offices of Hoyle and Co, Collingwood st, Newcastle-upon-Tyne
Moore, John, George, Garden row, Fulham, Mineral Water Manufacturer. Oct 29 at 11 at offices of Agar, Barnard's inn, Bedford
Horwood, John, Bedford row
Morgan, Sarah, Anna, Moriston near Swansea, Grocer's Assistant. Oct 29 at 11 at offices of Davies, Alma place, Neath
Moss, George, Sparrow, Walsall, Butcher. Nov 1 at 11 at offices of East, Temple st, Birmingham
Murphy, Henry, Sowerby Bridge, Halifax, Hatter. Nov 6 at 3 at offices of Rhodes, Townhall chambers, Sowerby Bridge
Murray, Andrew, John, Ravendale, Clapham, Gent. Oct 31 at 3 at offices of Fowler, Abchurch lane
Nell, Francis, Augustus Remington, Bold, Lancashire, Engineer. Nov 3 at 11 at offices of Quinn and Son, Lord st, Liverpool
Cooper & Hildes
Nesbitt, Margaret, Markeby-the-Son, York, Milliner. Nov 4 at 11 at the Wellington Hotel, Albert rd, Middleborough. Collier, Lanesborough-in-Cleveland
Nichol, John, Church, Llanoshire, Grocer. Nov 3 at 3 at the Mechanic Institution, Willow st, Acreington. Haworth and Brougham, Acreington
Nicksam, John, William, Leeds, Painter. Nov 1 at 11 at offices of Hopps and Bedford, Bank st, Leeds
North, William, Grosvenor, Lancashire, Notting hill, Chesham lane
Nov 6 at 3 at offices of Rushworth, Bedford row
Norris, James, Manchester, Cigar Merchant. Oct 31 at 3 at offices of Hardings and Co, Princess st, Manchester

Oldroyd, William, Thornhill, York, Plumber. Nov 3 at 11 at offices of Fryer, Church st, Downbury

Parker, Henry, and Robert Augustus Finch, Salford, Lancashire, Mechanical Engineers. Nov 3 at 3 at the Mire Hotel, Cathedral yard, Manchester. Doyle, Manchester

Parker, William James, Burton-upon-Trent, Grocer. Nov 3 at 2 at offices of Drewry, High st, Burton-upon-Trent

Parlow, John, Aylesbury, Bucks, Butcher. Nov 5 at 4 at the Plough Inn, Tring. Rawson, Great Marlow

Parsonage, Charles, Birkhead, Butcher. Nov 5 at 2 at offices of Francis, Hamilton sq, Birkhead

Paxell, William Joseph, Puddletown, Dorset, Yeoman. Nov 3 at 2 at the Junction Hotel, Dorchester. Weston, Dorchester

Paylor, Andrew, Clapham place, Brixton hill, Wheelwright. Nov 1 at 3 at offices of Ody, Camberwell green, Camberwell

Phillips, Thomas Keslake, Kentshire, Devon, Farm Labourer. Nov 3 at 11 at offices of Friend, Post Office chambers, Gandy st, Exeter

Phillips, Timothy, Staunton, Gloucester, Butcher. Oct 30 at 11 at offices of Franklin, Berkeley st, Gloucester

Pilkington, William, Parr, Lancashire, Brickmaker. Nov 4 at 3 at offices of Quicke, Hatton garden, Liverpool

Pinter, John, Jun, Coln St Aldwyn, Gloucester, Farmer. Nov 3 at 11 at offices of Wilmet, Milton st, Fairford

Preston, Francis, Northborough, Northampton, Farmer. Nov 7 at 2 at offices of Atter and Brown, Queen st, Peterborough

Pritchard, Edward, Bushey, Hereford, Hay Dealer. Nov 8 at 10 at offices of Boydell, South sq, Gray's Inn

Raphael, William, Oneetham near Manchester, Cap Maker. Oct 31 at 3 at offices of Gardner, Cooper st, Manchester

Rayner, Edward Ralph, Sunbury-on-Thames, Clerk to a Produce Broker. Oct 28 at offices of Paterson and Co, Bourville st, Fleet st in lieu of place originally named

Reagan, William, Redcar, York, Joiner. Oct 28 at 11.30 at offices of Stevenson and Meek, Albert rd, Middlesbrough

Rehman, Edward Joseph, Manchester, Physician. Nov 7 at 3 at offices of Northgraves, Queen's chambers, Princess st, Manchester

Richards, Edwin, Brierley hill, Stafford, Luncheon. Nov 1 at 11 at offices of Wall, High st, Stourbridge

Roberts, John, Chorlton-upon-Medlock, Manchester, Hatter. Oct 31 at 3 at offices of Gaunt and Grainger, Queen's chambers, John Dalton st, Manchester

Rockey, John, Shepreth, Devon, Farmer. Nov 3 at 12.30 at the Bedford Hotel, Tavistock. Elworthy and Co, Plymouth

Roers, James Edward, Bulstrode st, Cavendish sq, Costume Maker. Nov 4 at 3 at the Inns of Court Hotel, Holborn

Roper, George, Carleton Road, Norfolk, Coach Builder. Nov 5 at 3 at offices of Sadd and Linay, Theatre st, Norwich

Rowland, Jane, Kenneth rd, Wandsworth rd, Laundry Woman. Oct 31 at 2 at offices of Briant, Winchester House, Old Broad st

Schrader, Udo, Mining lane, Merchant. Nov 1 at 12 at offices of Foster, Birch lane

Scott, Arthur, Derby, Coach Maker. Nov 11 at 3 at offices of Close, Corn Market, Derby

Sell-Payne, Edward, Bedford, Saddler. Nov 4 at 2 at the George Hotel, Bedford. Conquest and Clare, Bedford

Simmons, John, Hayland Nether, York, Boot Maker. Nov 4 at 11 at the Coach and Horses Hotel, Barnsley. Badgers and Co, Rotherham

Sladen, Ellis Grindold, Swansea, Bootmaker. Oct 31 at 2 at offices of Tribe and Co, Albion chambers, Bristol. Thomas, Swansea

Smeehan, John, Brixton rd, Florist. Oct 27 at 12 at offices of Kisch and Co, Chancery lane

Smith, Charles Albert, Derby, Chemist. Nov 10 at 3 at offices of Close, Corn Market, Derby

Smith, Henry, Bradford, Picker and Shuttle Maker. Nov 3 at 3 at offices of Groves and Taylor, Broad st, Bradford

Smith, Jonathan, Brockley, Suffolk, Farmer. Nov 6 at 12 at the Guildhall, Bury St Edmunds. Salmon and Son, Bury St Edmunds

Southern, George, Scarborough, Club Manager. Nov 4 at 3 at Abbott's Hotel, Tanner row, York. Moody and Co, Scarborough

Sprague, Henry, Hemel Hempstead, Hertford, Cabinet Maker. Nov 4 at 3 at St Thomas building, St Thomas at, London Bridge. Rashleigh

Steele, Stephen, Bromell's rd, Clapham, Boot Manufacturer. Oct 30 at 3 at offices of Pratt and Co, Old Jewry chambers. Poimore and Harte, Moorgate st

Stevens, George, Appleton-upon-Wiske, York, Tailor. Oct 31 at 11 at King's Arms Hotel, Northallerton. Jefferson, Northallerton

Stow, William, Leeds, Joiner. Nov 3 at 11 at Law Institute, Albion pl, Leeds. Cross, Bradford

Swires, Thomas, Dursley, Gloucester, Licensed Victualler. Oct 30 at 1.30 at Old Bell Inn, Dursley. Cooke

Taylor, Charles James, Victoria terrace, East Dulwich, out of business. Nov 1 at 11 at Masons' Hall Tavern, Masons' avenue, Basinghall st. Head, Newington causeway

Thornst, William, Banyhall, Worcester, Farmer. Oct 30 at 11 at offices of Tres and Son, High st, Worcester

Till, Frederick, Church st, Richmond, out of business. Nov 11 at 3, at offices of Birchall, Mark lane

Tonkin, Samuel George, St Paul's, Bristol, Tailor. Nov 3 at 12 at offices of Fry and Co, Shannon st, Corn st, Bristol

Totty, John, South Hendley, York, Malster. Nov 3 at 2 at Red Lion Hotel, Pontefract. Lake, Wakefield

Turner, Oliver, and Henry Moore, Bradford, York, Stuff Merchants. Nov 3 at 11 at offices of Hutchinson, Piccadilly chambers, Piccadilly, Bradford

Valentine, Thomas, Manchester, Broker. Nov 5 at 3 at 35, Cannon st. Man better, Harris, Manchester

Vennings, John, North, Fetherwin, Devon, Farmer. Oct 31 at 12 at King's Arms Inn, Lanneston. Brian, Plymouth

Wells, Joseph Muckell, Aldershot, Fruiterer. Nov 5 at 12 at offices of Foster, Victoria rd, Aldershot

Watson, James, Castleton, York, Cartwright. Oct 30 at 11 at offices of Trale, Albert rd, Middlesbrough

Wason, John Cornish, and William Watson the younger, Torquay, Builders. Nov 4 at 12 at Queen's Hotel, Queen st, Exeter. Michelson and Hacker, Newton Abbot

Webb, Eliza James, Ridgway, Somerset, Wheelwright. Nov 1 at 2 at office of McCarthy, Frome

Wedge, Theophilus Aston, Wolverhampton, Chemist. Nov 1 at 11 at offices of Stratton, Queen st, Wolverhampton

Wheatley, Thompson, Crowle, Lincoln, Tailor. Nov 1 at 3 at offices of Pearson and Bartonshaw, Priory place, Doncaster

Whitmore, Thomas, Burton-upon-Trent, Grocer. Oct 31 at 11 at Midland Hotel, Burton-upon-Trent. Wilson, Burton-upon-Trent

Widdop, Albert Henry, York, Organ Builder. Nov 3 at 10.30 at offices of Cross, Parkinson's chambers, Market st, Bradford

Wilkinson, George Noble, Mincing lane, Ship Owner. Nov 11 at 3 at offices of Brett and Co, Leadenhall st

Wilson, James Francis, Oxford st, Wholesale Stationer. Nov 10 at 2 at offices of Routh and Co, Southampton st, Bloomsbury

Winfield, Benjamin, Nottingham, Glass Dealer. Nov 3 at 12 at offices of Brittle, St Peter's chambers, St Peter's gate, Nottingham

Wise, William, the younger, Birmingham, Builder. Oct 31 at 3 at offices of Jaques, Temple row, Birmingham

Wolstenholme, John, Accrington, Lancaster, Fish Dealer. Nov 6 at 3 at offices of Barlow, Dutton at, New Accrington

Wood, George, Bradford, York, Milk Dealer. Nov 3 at 11 at offices of Tunncliffe, Bank at, Bradford

Wooddin, John, Lincoln, Ironmonger. Nov 4 at 11 at offices of Danby and Son, Bank st, Lincoln

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MESSRS. HARVEY & DAVIDS will **SELL** by AUCTION at the MART, Tokenhouse-yard, Bank, E.C., on WEDNESDAY, NOVEMBER 12, 1879, at TWO o'clock precisely, the following PROPERTIES:—

WALWORTH.—A very desirable, long leasehold, weekly property situate and being Nos. 4, 5, and 6, Pleasant-row, East-street, Walworth, let to good tenants, and producing £74 per annum; held for a long term at a low ground-rent.

LIVERPOOL.—Sound Freehold Weekly Property, situate and being Nos. 23, 25, 27, 29, 31, 33, 35, 37, and 39, Paget-street, in the immediate vicinity of the docks, and close to Waterloo-road. Let to good tenants at rentals amounting to £240 per annum.

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P

THE

PUBLIC GENERAL STATUTES.

42 & 43 VICTORIÆ, 1879.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON: 52, CAREY STREET, W.C.

1879.

THE PUBLIC GENERAL STATUTES

AS ENACTED BY PARLIAMENT

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED SEVENTY NINE

LONDON: BY G. B. STREET, 15, ABchurch Lane, E.C. 4.

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PUBLIC GENERAL STATUTES, 1879.

42 & 43 VICTORIA.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to amend the Law respecting the holding of Assizes. [14th March 1879.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Spring Assizes Act, 1879.

2. *Extension to spring assizes of power of her Majesty as to winter assizes.*—39 & 40 Vict. c. 57.—40 & 41 Vict. c. 46.] Whereas it is expedient to enable her Majesty to unite counties for the purpose of holding spring assizes in the manner in which her Majesty is authorized to unite counties for the purpose of holding winter assizes, and to make similar provision in relation to the jurisdiction of the Central Criminal Court over offences committed in the neighbouring counties to that which her Majesty is able to make under the Winter Assizes Act, 1876: Be it, therefore, enacted as follows:—

All the provisions of the Winter Assizes Act, 1876, shall be deemed to be herein enacted, with the substitution of "spring assizes" for "winter assizes," and of the months of March, April, and May, for the months of November, December, and January respectively; provided that nothing in this Act, or the Winter Assizes Acts, 1876 and 1877, shall affect the custom of holding separate assizes in and for each county twice a year.

3. *Execution of sentence of death.*—40 & 41 Vict. c. 21.—28 & 29 Vict. c. 12.—31 & 32 Vict. c. 24.—39 & 40 Vict. c. 57.] Notwithstanding anything in the Prison Act, 1877, or anything done in pursuance of that Act, where judgment of death has been passed upon a convict at any assizes held after the passing of this Act, the judgment may be carried into execution in any prison in which the convict was confined for the purpose of safe custody prior to his removal to the place where the assizes were held, and the sheriff of the county for which such assizes were held shall be charged with the execution of that judgment, and shall for that purpose have the same jurisdiction and powers, and be subject to the same duties in the prison in which the judgment is to be carried into execution, although such prison is not situate within his county, as he has by law with respect to the common gaol of his county, or would have had if the Prison Act, 1865, and the Prison Act, 1877, had not passed.

The coroner, whose duty it is to hold an inquest on the bodies of prisoners dying in any prison, shall hold an inquest in accordance with the Capital Punishment Amendment Act, 1868, on the body of any convict executed in that prison.

Nothing in this section shall affect any power authorized to be exercised by Order in Council, under the Winter Assizes Act, 1876, and this Act.

4. *Definitions.*—3 & 4 Will. 4, c. 71.] In this Act—
The expression "assizes" means any court of assize or any sessions of oyer and terminer or gaol delivery:
The expression "county" includes a county of a city and a county of a town, and any such division of a county as is constituted by Order in Council under the Act of

the session of the third and fourth years of King William the Fourth, chapter 71, intituled, "An Act for the appointment of convenient places for the holding of assizes in England and Wales," and the sheriff for a county so divided shall for the purposes of this Act be deemed to be the sheriff for such division of a county.

CAP. II.

An Act to apply the sum of Four million two hundred and fifty thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand eight hundred and seventy-nine. [14th March 1879.]

CAP. III.

An Act to raise the sum of Four million two hundred and fifty thousand pounds by Exchequer Bonds, for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine. [14th March 1879.]

CAP. IV.

An Act to continue for Three Months the Act of the Session of the forty-first and forty-second years of the reign of her present Majesty, chapter ten, intituled "An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters." [21st March 1879.]

CAP. V.

An Act to continue for three months the Act of the Session of the forty-first and forty-second years of the reign of her present Majesty, chapter eleven, intituled "An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore." [21st March 1879.]

CAP. VI.

An Act to amend the Law with respect to District Auditors. [28th March 1879.]

31 & 32 Vict. c. 122, s. 24.—22 Vict. c. 26.] Whereas the auditors of the accounts relating to the relief of the poor (in this Act referred to as district auditors) are under the Poor Law Amendment Act, 1868, appointed by the Local Government Board, and are by that Act declared to be civil servants of the State within the operation of the Superannuation Act, 1859, but the remuneration and expenses of such auditors which are by law payable out of local rates are in fact paid partly out of moneys annually provided by Parliament, and partly out of local rates; and whereas it is expedient that in future the whole of such remuneration and expenses should be paid out of moneys voted by Parliament, and that in lieu of the amount now so paid out of local rates an equivalent sum should be raised by means of stamps, in manner hereinafter mentioned, and also that further provision should be made respecting such payment and otherwise respecting such auditors:—

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited as the District Auditors Act, 1879.

2. *Provision as to contribution by Treasury and out of local rate for payment of district auditors.*] After the twenty-fifth day of March one thousand eight hundred and seventy-nine all payments to district auditors out of any local rate shall cease, and the whole of the salaries or remuneration and of the expenses of district auditors, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament; and for the purpose of contributing to the amount required for the payment of such salaries, remuneration, and expenses, there shall be charged on every local authority whose accounts are audited by a district auditor a stamp duty for the use of her Majesty according to the scale contained in the first schedule to this Act, and such duty shall be levied by a stamp on the certificate of the auditor hereinafter mentioned.

3. *Financial statement with stamped certificate of district auditor.*—29 & 30 Vict. c. 113, s. 6.—23 & 24 Vict. c. 51.—40 & 41 Vict. c. 66.] Where the accounts of the receipts and expenditure of a local authority are audited by a district auditor, the local authority shall prepare and submit to the district auditor at every audit (other than an extraordinary audit held in pursuance of section six of the Poor Law Amendment Act, 1866) a financial statement in duplicate in the prescribed form and containing the prescribed particulars; one of such duplicates shall have the stamp charged under this Act affixed thereon, and the auditor at the conclusion of the audit shall cancel that stamp, and certify on each duplicate, in the prescribed form, the amount in words at length of the expenditure so audited and allowed, and further, that the regulations with respect to such statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement.

He shall forthwith send the duplicate so stamped and certified by him to the Local Government Board; and in such case a return of the receipts or expenditure comprised in such statement need not, unless the Local Government Board so require, be sent to the Board in pursuance of the Local Taxation Returns Acts, 1860 and 1877.

4. *Appointment and districts of district auditors.*] The Local Government Board may from time to time appoint such number of district auditors as they may, with the sanction of the Treasury, think necessary for the performance of the duties of auditing the accounts which are for the time being by law subject to be audited by district auditors, and may from time to time remove such auditors.

The Board may from time to time assign to district auditors their duties, and the districts in which such auditors respectively are to act, and may from time to time change wholly or in part such duties or districts; and every district so assigned to a district auditor, whether originally or upon any change, shall be deemed to be an audit district within the meaning of any enactment relating to district auditors or their districts, and the auditor to whom any district is assigned shall be deemed to be the district auditor for that district.

The Board may also, with the consent of the Treasury, appoint from time to time a person or persons, either temporarily or otherwise, to assist a district auditor in the performance of his duties, and any person so appointed shall, subject to any exceptions made by the terms of his appointment, have the same powers and duties and be subject to the same obligations as the district auditor whom he is appointed to assist.

The Board, with the like consent, may assign to a person so appointed such salary or remuneration and such sum for his expenses as may seem fit, and such salary, remuneration, and expenses shall be paid out of moneys provided by Parliament.

5. *Regulations as to audit.*—4 & 5 Will. 4, c. 76.] Where any accounts of the receipts and expenditure of a local authority are subject by law to be audited by a district auditor, the Local Government Board may from time to time by order make, and when made revoke and vary, such regulations as seem to the Board necessary or proper respecting the audit of such accounts, including the form of keeping the accounts of the local authority and their officers, the day or days to which the accounts are to be made up, the time within which they are to be examined by the local

authority, the mode in which, if it is so prescribed, they are to be certified by the local authority or any officer of that authority, the mode of publishing the time and place of holding the audit, the persons by whom such accounts are to be produced for audit, and the mode of conducting the audit, and an order under this section shall be deemed to be an order within the meaning of section ninety-eight of the Poor Law Amendment Act, 1834.

6. *Stamp duties under Inland Revenue.*] The duties charged under this Act shall be deemed to be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery, fraudulent dies, and other offences in connection with stamp duties, shall apply accordingly; and such duties may, if the Commissioners so direct, be denoted by adhesive stamps, to be cancelled by the auditor as provided by this Act.

7. *Failure to submit financial statement.*] If a local authority fail to comply with the provisions of this Act with respect to a financial statement, such local authority, or if a clerk to the local authority is appointed, that clerk, and if no clerk is appointed, but there is a treasurer or other officer keeping the accounts which should be comprised in such financial statement, that treasurer or other officer shall be liable to a fine not exceeding twenty pounds for each offence, to be recovered by action on behalf of her Majesty in the High Court of Justice.

8. *Definitions.*] In this Act,—

The expression "local rate" means the poor rate, the general district rate, and every rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of a poundage assessment of the value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

The expression "local authority" means any person or body of persons who receive and expend any local rate, but does not include overseers of the poor.

The expression "prescribed" means proscribed from time to time by the Local Government Board.

The expression "Treasury" means the Commissioners of her Majesty's Treasury.

9. *Provision for existing auditors.*] The Local Government Board, with the approval of the Treasury, shall as soon as may be after the passing of this Act determine the salary or remuneration to be paid to the district auditors holding office at the passing of this Act, and the amount to be allowed for their expenses, regard being had to the sums which such officers have heretofore received out of local rates, as well as out of moneys provided by Parliament, and to any change of their duties which may be made in pursuance of this Act.

10. *Provision for first year.*] If in the year one thousand eight hundred and seventy-nine the audit of the accounts of the receipts and expenditure of any local authority for any period ending on some day of the month of March has been completed before the expiration of two months after the passing of this Act, the local authority shall submit the financial statement required by this Act to the auditor within the said two months.

11. *Repeal of Acts.*] The Acts specified in the second schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Provided that—

(1) This repeal shall not affect anything done or suffered, or any right acquired or accrued, under any enactment hereby repealed; and

(2) Any auditor appointed in pursuance of any enactment hereby repealed shall (save as may be prescribed) have the same powers and duties and be subject to the same obligations as if such enactment had not been repealed.

12. *Saving of certain fees and expenses.*] Nothing in this Act shall prevent a district auditor from recovering any sum in respect of an audit held by him prior to the twenty-fifth day of March one thousand eight hundred and seventy-nine or in respect of an audit of accounts made up to some day

prior to that day, and the audit of which might have been held before the said day, or from recovering any expenses incurred, or which he may hereafter incur, in any proceedings which he is authorized or required to take or defend under the statutes in that behalf.

Section 2.] FIRST SCHEDULE.*Scale of Stamp Duties payable by Local Authorities.*

Where the total of the expenditure comprised in the financial statement is	The sum shall be
Under 20l.	5s.
20l. and under 50l.	10s.
50l. and under 100l.	1l.
100l. and under 500l.	2l.

Where the total of the expenditure comprised in the financial statement is	The sum shall be
500l. and under 1,000l.	3l.
1,000l. and under 2,500l.	4l.
2,500l. and under 5,000l.	5l.
5,000l. and under 10,000l.	10l.
10,000l. and under 20,000l.	15l.
20,000l. and under 50,000l.	20l.
50,000l. and under 100,000l.	30l.
100,000l. and upwards	50l.

For the purpose of this schedule the expenditure comprised in the financial statement shall be exclusive of any sum paid to another local authority in pursuance of a precept.

Section 11.]**SECOND SCHEDULE.***Acts repealed.*

A description or citation of a portion of a Statute is inclusive of the words, section, or other part first and last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Section and Chapter.	Title.	Extent of Repeal.
4 & 5 Will. 4, c. 76.	The Poor Law Amendment Act, 1834.	Section forty-six, so far as relates to officers for the examining, auditing, allowing, and disallowing of accounts.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Section thirty-two down to "Union therefrom." Section thirty-seven. Section forty-nine, from "being at the time the auditor of" down to "may be appointed," and from "and the salary of every such auditor" down to "board of guardians." Section eight.
12 & 13 Vict. c. 103	The Poor Law Amendment Act, 1849.	Section thirty-six and section thirty-seven.
30 & 31 Vict. c. 6.	The Metropolitan Poor Act, 1867.	Section twenty-four.
31 & 32 Vict. c. 122	The Poor Law Amendment Act, 1868.	Section twenty-five, except as regards existing auditors.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section sixty, from "for the audit district" down to "in a summary manner" at the end of sub-section one.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section two hundred and forty-seven, from "for the union" in sub-section one down to "from the place of audit" at the end of sub-section two.
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Section nine, from "for the audit district" down to "is situate," and from "the auditor shall receive such remuneration" down to "in a summary manner."

CAP. VII.

An Act to apply certain Sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-eight, one thousand eight hundred and seventy-nine, and one thousand eight hundred and eighty. [28th March 1879.]

CAP. VIII.

An Act to make further provision for the Registration of Deaths, Marriages, and Births occurring out of the United Kingdom among officers and soldiers of Her Majesty's Forces, and their families. [23rd May 1879.]

Be it enacted, &c.:

1. *Short title.* [This Act may be cited as the Registration of Births, Deaths, and Marriages (Army) Act, 1879.]

2. *Transmission to registrar of registers of births, deaths, and marriages of army kept in pursuance of her Majesty's regulations.* [If her Majesty is pleased from time to time to the regulations respecting the registration of deaths and the occurring and marriages solemnized out of the United Kingdom among officers and soldiers of her Majesty's land forces and their families or any of them, the registers kept from time to time in pursuance of the said regulations shall, in manner provided by the regulations for the time being in force, be authenticated and transmitted to the Registrar-General of Births and Deaths in England.]

Where it appears from any such register that an officer or soldier whose death or marriage is entered therein, or to whose family a person whose death, marriage, or birth is entered therein belonged, was a Scotch or Irish subject of her Majesty, the Registrar-General of Births and Deaths in England shall, as soon as may be after receiving the register, send a certified copy of so much thereof as relates to such death, marriage, or birth to the Registrar-General of Births and Deaths in Scotland or Ireland, as the case may require.

Every Registrar-General of Births and Deaths to whom a register or certified copy of a register is sent, in pursuance of this section, shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called the Army Register Book, and such book shall be deemed to be a certified copy of the register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

3. *Provision as to existing documents evidencing deaths, marriages, and births among officers and soldiers of the army, and their families.* [Whereas, under the directions of her Majesty, or of one of her Majesty's Principal Secretaries of State, or the Commander-in-Chief or other lawful authority, various documents, such as registers, muster-rolls, and pay-lists have been kept, showing the deaths and births which have occurred and the marriages which have been solemnized among officers and soldiers of her Majesty's land forces and their families:]

And whereas it is expedient to make further provision

respecting the said documents: Be it therefore enacted as follows:

Where any of such documents, or any certified extracts thereof made under the direction of one of her Majesty's Principal Secretaries of State, have either before or after the passing of this Act been transmitted to the Registrar-General of Births and Deaths in England, such documents or extracts shall be deemed to be in the legal custody of the said Registrar-General, and shall be admissible in evidence; and a copy of any such document or extract of or any part thereof, if purporting to be certified to be a true copy under the seal of the register office of the Registrar-General, shall be admissible in evidence of such document, extract, or part.

4. *Saving as to births, deaths, and marriages in the United Kingdom.*] Nothing in this Act shall apply to any deaths, marriages, or births which occur in the United Kingdom, except where the same occurred before the commencement of this Act.

5. *Commencement of Act.*] This Act shall come into operation on the first day of July one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

CAP. IX.

An Act to declare the true meaning of Section Thirty of the Friendly Societies Act, 1875. [23rd May 1879.

Be it declared and enacted, &c.:

1. *Interpretation of section 30 of 38 & 39 Vict. c. 60.*] Section thirty of the Friendly Societies Act, 1875, applies only to such friendly societies, whether registered or unregistered, and industrial assurance companies as receive contributions by means of collectors at a greater distance than ten miles from the registered office or principal place of business of the society or company.

2. *Act to be construed with 38 & 39 Vict. c. 60, and 39 & 40 Vict. c. 32.*] This Act shall be construed as one with the Friendly Societies Act, 1875, and the Friendly Societies Amendment Act, 1876, and may be cited together with the same as "the Friendly Societies Acts."

CAP. X.

An Act to amend the Poor Rate Assessment and Collection Act, 1869. [23rd May 1879.

Be it enacted, &c.:

1. *Short title and construction.*—32 & 33 Vict. c. 41.] This Act may be cited as the Assessed Rates Act, 1879, and shall be construed as one with the Poor Rate Assessment and Collection Act, 1869, in this Act called the principal Act.

2. *Effect of allowance or deduction as regards qualification or franchise.*] Where by way of commission or abatement or deduction under the principal Act, or purporting or assumed to be under the principal Act, an allowance or deduction has, before the passing of this Act, been or shall hereafter be actually made, the same shall, for the purpose of every qualification or franchise depending upon rating or upon payment of rates, be deemed to have been duly made in pursuance of every or any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, and to have been and to be an allowance or deduction which the overseers were and are empowered to make from the rates under the principal Act; and no qualification or franchise depending upon rating or upon payment of rates shall be defeated by reason of such allowance or deduction not having been made in pursuance of an agreement in writing, order in writing, or notice in writing, or by reason of the want or insufficiency of any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, or by reason of any informality or defect in the making thereof; provided always, that this Act shall not relieve any overseers from any liability which they have incurred or may incur by making an allowance or deduction otherwise than in pursuance of the provisions of the principal Act, or affect any remedy for the recovery of the amount of such allowance or deduction.

CAP. XI.

An Act to amend the Law of Evidence with respect to Bankers' Books. [23rd May 1879.

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Bankers' Books Evidence Act, 1879.

2. *Repeal of 39 & 40 Vict. c. 48.*] The Bankers' Books Evidence Act, 1876, shall be repealed as from the passing of this Act, but such repeal shall not affect anything which has been done or happened before such repeal takes effect.

3. *Mode of proof of entries in bankers' books.*] Subject to the provisions of this Act, a copy of any entry in a banker's book shall in all legal proceedings be received as prima facie evidence of such entry, and of the matters, transactions, and accounts therein recorded.

4. *Proof that book is a bankers' book.*] A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be first proved that the book was at the time of the making of the entry one of the ordinary books of the bank, and that the entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank.

Such proof may be given by a partner or officer of the bank, and may be given orally or by an affidavit sworn before any commissioner or person authorized to take affidavits.

5. *Verification of copy.*] A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be further proved that the copy has been examined with the original entry and is correct.

Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally or by an affidavit sworn before any commissioner or person authorized to take affidavits.

6. *Case in which banker, &c. not compellable to produce books, &c.*] A banker or officer of a bank shall not, in any legal proceeding to which the bank is not a party, be compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of a judge made for special cause.

7. *Court or judge may order inspection, &c.*] On the application of any party to a legal proceeding a court or judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings. An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank three clear days before the same is to be obeyed, unless the court or judge otherwise directs.

8. *Costs.*] The costs of any application to a court or judge under or for the purposes of this Act, and the costs of anything done or to be done under an order of a court or judge made under or for the purposes of this Act shall be in the discretion of the court or judge, who may order the same or any part thereof to be paid to any party by the bank, where the same have been occasioned by any default or delay on the part of the bank. Any such order against a bank may be enforced as if the bank was a party to the proceeding.

9. *Interpretation of "bank," "banker," and "banker's books."*] In this Act the expressions "bank" and "banker" mean any person, persons, partnership, or company carrying on the business of bankers and having duly made a return to the Commissioners of Inland Revenue, and also any savings bank certified under the Acts relating to savings banks, and also any post-office savings bank.

The fact of any such bank having duly made a return to the Commissioners of Inland Revenue may be proved in any legal proceeding by production of a copy of its return verified by the affidavit of a partner or officer of the bank, or by the production of a copy of a newspaper purporting to contain a copy of such return published by the Commissioners of Inland Revenue; the fact that any such savings bank is certified under the Acts relating to savings banks may be proved by an office or examined copy of its certificate; the fact that any such bank is a post-office savings bank may be proved by a certificate purporting to be under the

hand of her Majesty's Postmaster-General or one of the secretaries of the Post Office.

Expressions in this Act relating to "bankers' books" include ledgers, day books, cash books, account books, and all other books used in the ordinary business of the bank.

10. *Interpretation of "legal proceeding," "court," "judge."* In this Act—

The expression "legal proceeding" means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration;

The expression "the court" means the court, judge, arbitrator, persons or person before whom a legal proceeding is held or taken;

The expression "a judge" means with respect to England a judge of the High Court of Justice, and with respect to Scotland a lord ordinary of the Outer House of the Court of Session, and with respect to Ireland a judge of the High Court of Justice in Ireland;

The judge of a county court may with respect to any action in such court exercise the powers of a judge under this Act.

11. *Computation of time.* Sunday, Christmas-day, Good Friday, and any bank holiday shall be excluded from the computation of time under this Act.

CAP. XII.

An Act to amend the Divided Parishes and Poor Law Amendment Act, 1876. [23rd May 1879.]

CAP. XIII.

An Act to amend the Act thirty-third and thirty-fourth Victoria, chapter forty-two, for the abolition of Petty Customs. [23rd May 1879.]

CAP. XIV.

An Act to apply the sum of Six million six hundred and ninety-four thousand eight hundred and sixteen pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty. [27th May 1879.]

CAP. XV.

An Act to amend the Public Health (Scotland) Act, 1867. [27th May 1879.]

CAP. XVI.

An Act to provide for the winding up of the West Indian Relief Commission, and for the remission of certain sums remaining unpaid in respect of Loans by the said Commission. [3rd July 1879.]

CAP. XVII.

An Act to amend the House of Commons Costs Taxation Act, 1847. [3rd July 1879.]

10 & 11 *Vict. c. 69.* Whereas it is expedient that the provisions of the House of Commons Costs Taxation Act, 1847, should be extended and made applicable to other cases than those mentioned in the said Act:

Be it enacted, &c.:

1. *Powers of 10 & 11 *Vict. c. 69*, extended to provisional orders and other cases.* All the powers and provisions of the above-recited Act shall extend and apply to the costs, charges, and expenses of any parliamentary agent, solicitor, or other person in respect to the obtaining or promotion of or opposition to any provisional order or provisional certificate, or any Bill for confirming the same; and in respect to the promotion of any Bill by any public trustees or commissioners, or by any municipal or other public authority, and in respect to the opposition to any public and general Bill.

2. *Taxing officer of House of Commons to tax costs of orders and Bills on request from proper authority.* In case the taxing officer of the House of Commons shall be requested by one of her Majesty's Principal Secretaries of State or by the Local Government Board to tax and settle, or to assist in taxing and settling, any costs, charges, or expenses incurred in respect of any Bill, or in respect of any provi-

sional order or provisional certificate, such taxing officer shall thereupon proceed to tax and settle the same, and shall return the same with his opinion thereon to the Secretary of State or to the Local Government Board, as the case may be.

3. *Fees under this Act to be received as directed by 10 & 11 *Vict. c. 69.** The said taxing officer shall have the same powers and may receive the like fees in respect of any taxation by him under this Act, as in the case of any taxation under the Act first above recited.

4. *Short title.* This Act may be cited for all purposes as the House of Commons Costs Taxation Act, 1879.

CAP. XVIII.

An Act for the Licensing of Metropolitan Suburban Racecourses. [3rd July 1879.]

Whereas the frequency of horse-races in the immediate vicinity of the metropolis is productive of much mischief and inconvenience, and the holding of such races in thickly populated places near the metropolis is calculated to cause, and does in fact cause, annoyance and injury to persons resident near to the places where such races are held:

Be it therefore enacted, &c.:

1. *Definitions.* A horse-race within the meaning of this Act shall mean any race in which any horse, mare, or gelding shall run or be made to run in competition with any other horse, mare, or gelding, or against time, for any prize of what nature or kind soever, or for any bet or wager made or to be made in respect of any such horse, mare, or gelding, or the riders thereof, and at which more than twenty persons shall be present.

2. *Horse-races unlawful within ten miles of London unless licensed.* From and after the twenty-fifth day of March one thousand eight hundred and eighty it shall not be lawful that any horse-race be held or take place on any pretext whatsoever within a radius of ten miles from Charing Cross in the City of Westminster, unless in a place for which a licence for horse racing has been obtained pursuant to the provisions hereinafter contained.

3. *Power to justices to licence at Michaelmas quarter sessions.* Any person desirous of obtaining a licence for horse-racing for any open or enclosed land or place, being the owner, lessee, or occupier of such land or place, may apply to the justices assembled at any Michaelmas quarter sessions of the peace to be holden for the county, city, riding, liberty, or division in which such land or place is situate, which justices are hereby empowered to grant or withhold a licence at their discretion, such licence to be of force and valid for twelve months dating from the twenty-fifth day of March next following the date of such application.

4. *Mode of making application for licence.* Every such application shall be made to the justices in the same manner as applications for licences for places to be kept for public dancing, music, or other entertainment under the provisions of an Act passed in the twenty-fifth year of his late Majesty King George the Second.

5. *Penalty on persons taking part in unlicensed horse-races.* Any person who after the said twenty-fifth day of March one thousand eight hundred and eighty shall take part in any horse-race in any open or enclosed land or place for which a licence is required under this Act, and for which a licence has not been obtained, shall upon summary conviction be liable to a penalty of ten pounds, or an imprisonment not exceeding two months.

6. *Penalty on owners and occupiers of ground where unlicensed horse-races take place.* Any person who shall be the owner or lessee or in possession or occupation of any open or enclosed land or place for which a licence for horse-racing is required under this Act, and upon which any horse-race shall be held after the said twenty-fifth day of March one thousand eight hundred and eighty without such licence having been obtained, shall be guilty of a misdemeanour, and on conviction thereof shall be punishable for every such offence with fine or imprisonment at the discretion of the court, such fine not to be less than five pounds nor more than twenty-five pounds, and such imprisonment not to be less than one month nor more than three months.

7. *Unlicensed horse-races to be deemed a nuisance, and liable accordingly.*] Every horse-race held or taking place in contravention of the provisions of this Act shall be deemed to be a nuisance, and any person injured or inconvenienced thereby shall have all such rights and remedies against all persons taking part in the same, and against owners, lessees, and occupiers of the land or place, as he would have in case of a nuisance at common law.

8. *Short title.*] This Act may be cited as the Racecourses Licensing Act, 1879.

CAP. XIX.

An Act to facilitate the control and cure of Habitual Drunkards. [3rd July 1879.]

Whereas it is desirable to facilitate the control and cure of Habitual Drunkards.

Be it therefore enacted, &c.:

Preliminary.

1. *Short title.*] This Act may be cited as the Habitual Drunkards Act, 1879.

2. *Commencement of Act.*] This Act shall commence and come into operation on the first day of January one thousand eight hundred and eighty, and shall be in force until the expiration of ten years from the passing thereof and to the end of the then next session of Parliament.

3. *Interpretation.*—11 & 12 Vict. c. 43.—27 & 28 Vict. c. 53.—14 & 15 Vict. c. 93.] In this Act—
The expression "Secretary of State" means one of her Majesty's Principal Secretaries of State.
The expression "summary conviction" means conviction before a court of summary jurisdiction.
The expression "Summary Jurisdiction Acts" means—

(1.) As regards England, the Act of the session of the eleventh and twelve years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same; and

(2.) As regards Scotland, the Summary Procedure Act, 1864; and

(3.) As regards Ireland, with reference to any matter or proceeding in the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for or the police of such district, and with reference to any matter or proceeding elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same.

The expression "court of summary jurisdiction" means—

(a.) As regards England and Ireland, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Acts; provided that the court when hearing and determining an information or complaint under this Act shall be constituted either of two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice; and

(b.) As regards Scotland, the sheriff or his substitute.

"Justice" means a justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate by whatever name called, having jurisdiction under the Summary Jurisdiction Acts in the place where the matter requiring the cognizance of a justice arises.

"A retreat" means a house licensed by the licensing authority named by this Act, for the reception, control, care, and curative treatment of habitual drunkards.

"Habitual drunkard" means a person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or herself or to others, or incapable of managing himself or herself, and his or her affairs.

4. *Incorporation of Schedules with Forms and Rules therein.*] The schedules to this Act, with the notes and directions therein, shall have effect as part of this Act; and the Rules contained in those schedules and the Forms therein given, or

Forms to the like effect, shall be observed with such variations as circumstances require, by the persons, for the purposes, and in the manner therein indicated; but no instrument made in execution or intended execution of this Act shall be invalidated for defect in form only.

5. *Local authority and clerk of local authority.*] The several bodies and officers mentioned in the second and third columns respectively of the First Schedule to this Act shall be the local authority and clerk of the local authority respectively under this Act, in reference to the several corresponding districts mentioned in the first column of the said Schedule.

Retreats.

6. *Establishment of retreats.*] The local authority may, subject to any conditions which such local authority shall deem fit, grant to any person, or to two or more persons jointly, a licence for any period not exceeding thirteen months to keep a retreat; and may, from time to time, revoke or renew such licence. The application for such licence shall be in the Form No. 1 in the Second Schedule hereto, or to the like effect. The licence shall be in the Form No. 2 in the same schedule, or to the like effect. One at least of the persons to whom a licence is granted shall reside in the retreat and be responsible for its management. A duly qualified medical man shall be employed as medical attendant of such retreat, provided that when the name of the licensee shall be on the Medical Register he may himself act as such medical attendant.

7. *To whom licence not to be given.*] No licence shall be given to any person who is licensed to keep a house for the reception of lunatics.

8. *Power of local authority to transfer licensee.*] If the licensee of any retreat becomes incapable, from sickness or otherwise, of keeping such retreat, dies, or becomes bankrupt, or has his affairs liquidated by arrangement, or becomes mentally incapable or otherwise disabled, the local authority, by writing under their hands, indorsed on the licence, may transfer the licence to another person, if the local authority, in its discretion, shall think fit.

9. *Removal of habitual drunkard from unfit habitation.—Notice of such removal.*] If any retreat becomes unfit for the habitation of the persons detained therein under this Act, or otherwise unsuitable for its purpose, the local authority or the Inspector of Retreats appointed under this Act shall order their discharge from such retreat on a day to be mentioned in the order. Such order shall be signed by the clerk of the local authority or by the inspector, as the case may be.

The licensee of the retreat from which such persons or person are to be so removed shall, with all practicable speed, send by post a copy of such order to the person by whom the last payment for each person so to be removed from the retreat was made, or one at least of the persons who signed the statutory declaration under section ten of this Act.

10. *Persons may be admitted to retreats on their own application.*] Any habitual drunkard desirous of being admitted into a retreat may make application in writing to the licensee of a retreat for admission into such retreat, and such application shall be in the Form No. 3 in the Second Schedule hereto, and shall state the time during which such applicant undertakes to remain in such retreat. Such application shall be accompanied by the statutory declaration of two persons to the effect that the applicant is an habitual drunkard within the meaning of this Act.

The signature of the applicant to such application shall be attested by two justices of the peace, and such justices shall not attest the signature unless they have satisfied themselves that the applicant is an habitual drunkard within the meaning of this Act, and have explained to him the effect of his application for admission into a retreat and his reception therein, and such justices shall state in writing, and as a part of such attestation, that the applicant understood the effect of his application for admission and his reception into the retreat.

Such applicant, after his admission and reception into such retreat, unless discharged or authorized by licence as hereinafter provided, shall not be entitled to leave such retreat till the expiration of the term mentioned in his application, and such applicant may be detained therein till the expiration of such term; provided that such term shall not exceed the period of twelve calendar months.

11. *Licencees of retreats to send notice of reception.*] Every licensee of a retreat under this Act shall, within two clear days after the reception of any person received therein under this Act, send a copy of the application of such person for admission under which such person is so received by any such licensee, to the clerk of the local authority and to the Secretary of State.

12. *Power of discharge.*] Any person admitted into any retreat under this Act may, at any time thereafter, be discharged by the order of a justice, upon the request in writing of the licensee of the retreat, if it shall appear to such justice to be reasonable and proper.

Inspection of Retreats.

13. *Inspector and Assistant Inspector of Retreats may be appointed by the Secretary of State.*] The Secretary of State may from time to time appoint such person as he shall think fit, who may hold office during his pleasure, and shall be styled "the Inspector of Retreats."

The Secretary of State may also, if it appears to him and to the Commissioners of her Majesty's Treasury necessary for the due execution of this Act, from time to time appoint a fit person as "Assistant Inspector of Retreats," who shall also hold office during his pleasure, and every person so appointed shall have such of the powers and duties of the Inspector of Retreats as the Secretary of State may from time to time prescribe.

The Secretary of State may assign to the Inspector of Retreats and Assistant Inspector of Retreats such salaries or remuneration and allowances as he may, with the consent of the Commissioners of her Majesty's Treasury, think proper; the said salaries, remuneration, and allowances, and the expenses of the Inspectors of Retreats, and Assistant Inspectors of Retreats, in carrying out the provisions of this Act, to such amount as is allowed by the Commissioners of her Majesty's Treasury, shall be paid out of moneys provided by Parliament in that behalf.

14. *Licence to bear stamp.*—*Fees to be accounted for to local authority.*] Every licence granted in pursuance to this Act shall be subject to a duty, and be impressed with a stamp of five pounds, and ten shillings for every patient above ten whom it is intended to admit into the retreat, and every renewal of a licence shall be impressed with a stamp to the same amount. The said sums shall be deemed to be stamp duties and be under the management of the Commissioners of Inland Revenue; and all enactments for the time being in force relating to stamp duties and to dies, plates, and other implements provided for the purpose of stamp duties, including all enactments relating to forgery and frauds relating to stamp duties, shall apply accordingly. All expense incurred by the local authority in connexion with any application for the granting, renewing, or transferring of such licence shall be borne by the applicant, together with the stamp and fee for the licence; and all fees for licences and for searches, if any, under this Act, shall be paid over to the clerk for the local authority.

15. *Inspection of retreats.*] Every retreat shall, from time to time, and at least twice in each year, be inspected by the Inspector or Assistant Inspector of Retreats. The Secretary of State may at any time, on the recommendation of the Inspector or Assistant Inspector of Retreats, or in his own discretion, order the discharge of any person detained in any retreat.

16. *Annual return by Inspector.*] The Inspector of Retreats shall, in the month of January in each year, present to the Secretary of State a general report setting forth the situation of each retreat, the names of the licensees, and the number of habitual drunkards who have been admitted and discharged or who have died during the past year, with such observations as he shall think fit as to the results of treatment and the condition of the retreats. The Secretary of State shall lay such report, together with the rules, before Parliament.

17. *Rules as to management of retreats.*] The Secretary of State may from time to time make rules for the management of a retreat, and may from time to time cancel or alter such rules.

Any person who contravenes or fails to comply with any of such rules for the management of a retreat shall be deemed to be guilty of an offence against this Act.

A printed copy of rules purporting to be the rules of a

retreat, signed by the Inspector or Assistant Inspector of Retreats, shall be evidence of such rules of the retreat.

18. *Judge of High Court of Justice, &c., may make orders to inspect.*] A judge of the High Court of Justice, on an application ex parte at chambers, or a county court judge, within whose district the retreat is situated, may at any time, by order under his hand, authorize and direct any person or persons to visit and examine a person detained in a retreat under this Act, and to inquire into and report on any matters which such judge may think fit in relation to the person so detained. The judge, on receiving such report, may, if he shall think fit, order the discharge of any person so detained from any such retreat.

Leave of Absence from Retreat.

19. *Permission that person detained may reside out of retreat.*] A justice of the peace, at the request of a licensee of a retreat may, at any time after the admission into a retreat of an habitual drunkard, by licence under his hand permit such habitual drunkard to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him for a definite time for the benefit of his health.

Such a licence shall not be in force for more than two months, but may at any time before the expiration of that period be renewed for a further period not exceeding two months, and so from time to time until the habitual drunkard's period of detention has expired.

20. *Absence to be reckoned in time of detention.*—The time during which an habitual drunkard is absent from a retreat under such a licence shall, except where the licence is forfeited or revoked as hereinafter provided, be deemed to be part of the time of his detention in such retreat. Where such licence is forfeited or revoked, the time during which such habitual drunkard was so absent from the retreat shall be excluded in computing the time during which he may be detained in the retreat.

21. *Habitual drunkard may forfeit leave of absence.*] An habitual drunkard absent from a retreat under such a licence, who escapes from the person in whose charge he is placed as aforesaid, or who refuses to be restrained from drinking intoxicating liquors, shall be considered *ipso facto* to have forfeited the licence, and may be taken back to the retreat as hereinafter provided. An unauthorized absence from a retreat of a person ordered to be detained therein shall not be excluded in computing the time during which he may be detained.

22. *Revocation of leave of absence.*] Any such licence may be revoked at any time by the Secretary of State on the recommendation of the Inspector or Assistant Inspector of Retreats, or by the justice of the peace by whom such licence may have been granted by writing under his hand, and thereupon the habitual drunkard to whom the licence related shall return to the retreat.

Offences.

23. *Offences by licensees of retreats.*] If any licensee of any retreat knowingly and wilfully fails to comply with the provisions of this Act, or neglects or permits to be neglected any habitual drunkard placed in the retreat in respect of which he is licensed, or does anything in contravention of the provisions of this Act, he shall be deemed guilty of an offence against this Act.

24. *Offences by officers, servants, and other persons.*] If any person does any of the following things:—

- (1.) Ill-treats, or, being an officer, servant, or other person employed in or about a retreat, wilfully neglects any habitual drunkard detained in a retreat;
- (2.) Induces or knowingly assists an habitual drunkard detained in a retreat to escape therefrom;
- (3.) Without the authority of the licensee or the medical officer of the retreat (proof whereof shall lie on him) brings into any retreat, or, without the authority of the medical officer of the retreat, except in case of urgent necessity, gives or supplies to any person detained therein any intoxicating liquor, or sedative narcotic, or stimulant drug or preparation,

he shall be deemed guilty of an offence against this Act.

25. *Offences by habitual drunkards while detained in retreats.*] If an habitual drunkard, while detained in a retreat, wilfully neglects or wilfully refuses to conform to the

rules thereof, he shall be deemed guilty of an offence against this Act, and shall be liable upon summary conviction to a penalty not exceeding five pounds, or, at the discretion of the court, to be imprisoned for any period not exceeding seven days, and at the expiration of his imprisonment (if any) for such offence he shall be brought back to such retreat, there to be detained for curative treatment until the expiration of his prescribed period of detention in the retreat, and in reckoning such period the time during which such person was in prison shall be excluded from computation.

26. *Apprehension of habitual drunkard escaping from retreat.*] If an habitual drunkard escapes from a retreat, or from the person in whose charge he has been placed under licence as hereinbefore mentioned, it shall be lawful for any justice or magistrate having jurisdiction in the place or district where he is found, or in the place or district where the retreat from which he escaped is situate, upon the sworn information of the licensee of such retreat, to issue a warrant for the apprehension of such habitual drunkard at any time before the expiration of his prescribed period of detention; and such habitual drunkard shall, after apprehension, be brought before a justice or magistrate, and may, if such justice or magistrate should so order, be remitted to the retreat from which he had so escaped.

27. *Proceedings on death of person detained—Penalty for neglect or omission.*] In case of the death of any person detained in any retreat a statement of the cause of the death of such person, with the name of any person present at the death, shall be drawn up and signed by the principal medical attendant of such retreat, and copies thereof, duly certified in writing by the licensee of such retreat, shall be by him transmitted to the coroner and to the registrar of deaths for the district, and to the clerk of the local authority, and to the person by whom the last payment was made for the deceased, or one at least of the persons who signed the statutory declaration under section ten of this Act.

Every medical attendant who shall neglect or omit to draw up and sign such statement as aforesaid, and every licensee of a retreat who shall neglect or omit to certify and transmit such statement as aforesaid, shall be deemed guilty of an offence against this Act.

28. *Penalty for offence against Act.*] Any person, not being an habitual drunkard detained in a retreat, who is guilty of an offence against this Act to which no other penalty is affixed, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds, or, at the discretion of the court, to be imprisoned for any term not exceeding three months with or without hard labour.

29. *Summary Jurisdiction Acts.*] The Summary Jurisdiction Acts shall apply to all offences in respect of which jurisdiction is given to any court of summary jurisdiction by this Act, or which are directed to be prosecuted, enforced, or made before a court of summary jurisdiction, or in a summary manner, or upon summary conviction.

30. *Appeals.*] In England, if any person thinks himself aggrieved by any conviction or order of a court of summary jurisdiction, he may appeal therefrom, subject to the conditions and regulations following:

- (1.) The appeal shall be made to the next court of general or quarter sessions for the county, borough, or place in which the cause of appeal has arisen, held not less than fifteen days and (unless adjourned by the court) not more than four months after the conviction or order appealed from:
- (2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the clerk of the court of summary jurisdiction appealed from of his intention to appeal and of the ground thereof:
- (3.) The appellant shall, within three days after such notice, enter into a recognizance before a justice with two sufficient sureties conditioned personally to try the appeal, and to abide the judgment of the appellate court thereon, and to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise, as the justice allows:
- (4.) Where the appellant is in custody any justice having jurisdiction on such complaint may, if he thinks fit,

on the appellant entering into such recognizance or giving such other security as to such justice shall seem sufficient, release him from custody:

- (5.) The appellate court may adjourn the appeal; and, on the hearing thereof, they may confirm, reverse, or modify the decision of the court of summary jurisdiction appealed from, or remit the matter, with the opinion of the appellate court thereon, to the court of summary jurisdiction, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction, the said last-mentioned court shall thereupon re-hear and decide the matter in accordance with the order of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

31. *Limitation of actions.*] Any action against any person for anything done in pursuance or execution or intended execution of this Act shall be commenced within two years after the thing done, and not otherwise.

Notice in writing of every such action and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the action.

Miscellaneous.

32. *Time under 9 & 10 Vict. c. 66, s. 1.*] The time during which a person is detained in a retreat shall for all purposes be excluded in the computation of time mentioned in section one of the Act of the ninth and tenth years of the reign of her present Majesty, chapter sixty-six, intitled "An Act to amend the laws relating to the removal of the poor," as amended by any other Act.

33. *No forfeiture for non-fulfilment of condition of residence.*] Persons who hold their estates, being other than ecclesiastical benefices, subject to any condition of residence, shall not incur any forfeiture through being detained in any retreat.

34. *Fees to be prescribed.*] The Secretary of State may subject as herein mentioned, prescribe the fees to be paid in carrying out the provisions of this Act.

Scotland.

35. 20 Geo. 2, c. 43—*Application of Act to Scotland.*] In the application of this Act to Scotland the following provisions shall have effect:

- (1.) The term "sheriff" includes sheriff substitute:
- (2.) All penalties for offences under this Act shall be recovered, with expenses, in a summary manner before the sheriff at the instance of the procurator fiscal of the court:
- (3.) An appeal against a conviction or order of a court of summary jurisdiction under this Act shall be to the Court of Justiciary at the next circuit court, or, where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise; and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, "for taking away and abolishing heritable jurisdictions in Scotland," as near thereto as circumstances admit; with the variation, that the appellant shall find caution to pay the fine and expenses awarded against him by the conviction or order appealed from, together with any additional expenses awarded by the court dismissing the appeal:
- (4.) The jurisdiction and authority conferred on a court judge under this Act in England may in Scotland be exercised by a sheriff.

Ireland.

36. 14 & 15 Vict. c. 93—40 & 41 Vict. c. 56—*Application of Act to Ireland.*] In the application of this Act to Ireland the following provisions shall take effect:

- (1.) An appeal against a conviction or order of a court of summary jurisdiction shall, within the police district of Dublin metropolis, be made in manner prescribed or allowed by the Acts regulating the powers and duties of justices of the peace for such district, and in regards other places in Ireland in accordance with the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act or Acts affecting or amending the same.

or as nearly in accordance with their several Acts in each case as the circumstances will permit:
All fees for licences and searches, and other fees, if any, under this Act, shall be paid over to the clerk of the local authority, and in every case in which such clerk is a clerk of the peace, or temporary clerk of

peace, shall be receivable by him for his own use, but in every case in which such clerk is a clerk of the Crown and peace, shall be accounted for by him in the same way as fees payable to him under the provisions of the County Officers and Courts (Ireland) Act, 1877.

The SCHEDULES referred to in the above Act.

Sections 4, 5.]

THE FIRST SCHEDULE.

PART I.

England.

District.	Local Authority.	Clerk of Local Authority.
Borough or city corporate having a separate court of quarter sessions.	The justices of the peace for the borough or city in special sessions assembled.	The clerk to the justices of the borough or city.
County, riding, division, or part of a county, liberty, or other place, not being a county of a city, or a county of a town, or a borough or city corporate as aforesaid.	The justices of the peace for the county or place in general or quarter sessions assembled.	The clerk of the peace for the county or place, or the person acting as such, or a deputy duly appointed.

PART II.

Scotland.

District.	Local Authority.	Clerk of Local Authority.
County, including any town or place which does not return or contribute to return a member to Parliament.	The justices of peace for the county in general or quarter or special sessions assembled.	The clerk of the peace.
Burgh which so returns or contributes.	The provost and magistrates.	The town clerk.

PART III.

Ireland.

District.	Local Authority.	Clerk of Local Authority.
Borough having a recorder.	The recorder.	The clerk of the peace, or temporary clerk of the peace, or clerk of the Crown and peace.
Quarter sessions division of a county, including county of a city and county of a town.	The justices of the peace for the county sitting in the court of quarter sessions of the quarter sessions division.	The clerk of the peace, or temporary clerk of the peace, or clerk of the Crown and peace.

Sections 4, 6, 10.]

THE SECOND SCHEDULE.

FORM NO. I.

APPLICATION FOR LICENCE OF RETREAT.

The Habitual Drunkards Act, 1879.

To the justices of the peace for the county [or borough] of [] [or as the case may be].

I, the undersigned, hereby apply for a licence for the house described below, as a retreat for the reception of male [or female, or male and female] persons being habitual drunkards within the meaning of the above-mentioned Act, to be detained and treated as patients therein.

And I, the undersigned, undertake to reside in the house and give my personal attention to the management, care, and treatment of the patients.

Witness

(Signed)

Name..... Name

Address..... Address

Description..... Description

[House to be described with the following (among other) particulars; and a plan on a scale of not less than one eighth of an inch to a foot to accompany the description and be referred to therein:—

- Dimensions of every room.
- Arrangements for separation of sexes.
- Quantity of land available for exercise and recreation of patients.
- Extent of applicant's interest in the house.]

RULES.

1. An application may include two or more houses belonging to the same person or persons, provided no one of the houses is separated from another or others of them otherwise than by land in the same occupation and by a road, or in either of those modes.

2. The application is to be made not less than ten days before the sessions or meeting at which it is to be considered.

3. The clerk of the local authority is to give notice of the application having been made by advertisement published in a newspaper circulating in the district of the local authority six days at least before the same sessions or meeting.

FORM NO. II.

LICENCE.

The Habitual Drunkards Act, 1879.

County [or borough] of

{ This is to certify that in pursuance of the above-mentioned Act the justices of the peace acting in and for the county [or borough] of

[or as the case may be], in general or quarter (or special) sessions assembled, upon the application of A.B., a copy of which application is indorsed on this licence, have licensed and do hereby licence the said A.B. to use the house described in that application for the reception of persons being habitual drunkards, as follows; namely, male [or female or,

male and¹ female] patients for calendar
months from this date.
Dated this day of 18 .
(Signed)
Clerk of the local authority.

RULES.

1. A fee of ten shillings is to be paid for the licence.
2. The clerk of the local authority, within ten days after a licence has been granted, is to give notice of the granting thereof by advertisement published in a newspaper circulating in the district of the local authority, and is to send a copy of the licence to the Secretary of State.

FORM No. III.

REQUEST FOR RECEPTION INTO RETREAT.
The Habitual Drunkards Act, 1879.

To
I, the undersigned, hereby request you to receive me as a patient in your retreat at in accordance with the above-mentioned Act, and I undertake to remain therein for at least, unless sooner duly discharged, and to conform to the regulations for the time being in force in the retreat.

The above named signed this application in our presence, and at the time of his [or her] so doing we satisfied ourselves that he [or she] was an habitual drunkard within the meaning of the Habitual Drunkards Act, 1879, and stated to him [or her] the effect of this application, and of his [or her] reception into the retreat, and he [or she] appeared perfectly to understand the same.

Dated this day of
Justice of the Peace for the county [or borough] of
Witness's Applicant's
Name in full Name in full
Address Address
Description Description

CAP. XX.

An Act to apply the sum of six million five hundred and sixty-seven thousand and twenty-three pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty. [3rd July 1879.]

CAP. XXI.

An Act to grant certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue. [3rd July 1879.]

Be it enacted, &c. :

[Parts I. and II. relate respectively to Customs and Taxes.]

PART. III.

Collection of Income Tax, Land Tax, and Inhabited House Duties.

22. *Extent of this part of Act.* This part of this Act shall not extend to Scotland or Ireland.

23. *Appointment of collectors for income tax under Schedules (A.) and (B.) and land tax and inhabited house duties—17 & 18 Vict. c. 85, s. 2.* The following provisions shall have effect with respect to the appointment of collectors of land tax, inhabited house duties, and income tax, for the year commencing on the sixth day of April one thousand eight hundred and eighty, and any subsequent year :

- (1.) It shall be lawful for the Commissioners of Land Tax for any division, with the assent in writing of the Commissioners of Inland Revenue, to group parishes or places together in such division for the purposes of collection ; and parishes or places so grouped shall for such purposes, but for such purposes only, be deemed and taken to be one parish or place :
- (2.) The persons to be appointed collectors shall not be nominated by assessors as heretofore, but shall be nominated and appointed by the Commissioners of Land Tax and by the Commissioners for the general purposes of the income tax respectively, and the fact of the appointment of a person to be collector shall

be notified to him either personally or by a registered letter sent through the post :

- (3.) It shall not be compulsory on any person to accept the office of collector, and no person shall be liable to any penalty imposed by law for neglecting or refusing to take upon himself the said office, provided that he shall within fourteen days after the notification to him of his appointment either personally or by registered letter addressed to the clerk to the commissioners signify his refusal to accept the said office :
- (4.) If the collector or collectors for any parish or place shall not have been appointed on or before the thirty-first day of May in any year, the power of appointing a collector or collectors for such parish or place for that year, and every subsequent year, shall vest in the Commissioners of Inland Revenue, and the Commissioners of Inland Revenue shall appoint a collector or collectors for such parish or place in the manner mentioned in section two of the Act of the seventeenth and eighteenth years of her present Majesty, chapter eighty-five, and the collector or collectors so appointed shall for all purposes be deemed to be a collector or collectors appointed under such Act.

24. *Parishes formed for Poor Law purposes may be made parishes for the purposes of certain taxes.* Where in England, under the authority of Parliament, any part of a parish or place has been formed into a new parish or place for the purposes of Poor Law administration, or any parish or place, or part of a parish or place, has been amalgamated with or included within the boundaries of another parish or place for the said purposes, the Commissioners of Inland Revenue may, if in their discretion they think fit, by order in writing, direct that such new parish or place, or such parish or place with which, or within the boundaries of which, any parish or place, or part of a parish or place, has been amalgamated or included, shall be a parish or place for which a separate assessment of the inhabited house duties and of the duties of income tax shall be made, and for which assessors and collectors may be appointed for the purpose of assessing and collecting the said duties.

In case any parish or place or part of a parish or place in the jurisdiction of one body of Commissioners of Income Tax is amalgamated with or included within the boundaries of a parish or place in the jurisdiction of another body of Commissioners of Income Tax, such order shall have the effect of transferring the jurisdiction to such last-mentioned body.

25. *Particulars of demand note.* The collectors of house duty and income tax under Schedules (A.) and (B.) shall, in the demand note delivered previous to payment, distinctly describe the property and specify the amount of the assessment and the rate at which the duty or tax is charged upon such assessment.

PART IV.

Excise.

26. *Police proceedings for penalties in relation to dogs—41 & 42 Vict. c. 15—11 & 12 Vict. c. 43—28 & 29 Vict. c. 127.* Where under the provisions of the twenty-third section of the Customs and Inland Revenue Act, 1878, the proceedings for any penalty therein referred to are taken in England upon information of a police constable, such proceedings shall be in accordance with the provisions of the Act of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, and any Acts amending the same, including the Small Penalties Act, 1865, notwithstanding anything contained in the seventh section thereof.

27. *Amendment of sections 2 and 4 of the Act 5 & 6 Vict. c. 93, as to use of oil in tobacco.* The provision contained in the second section of the Act of the fifth and sixth years of her Majesty's reign, chapter ninety-three, relieving any manufacturer of tobacco from liability to the penalty imposed by the first section of that Act, shall not extend to relieve him from such liability in case he shall make use of any oil in the manufacture of roll tobacco other than essential oil for the purpose of flavouring, and olive oil in the process of spinning and rolling up the tobacco.

The word "oil" in section four of the said Act shall be read as meaning olive oil and essential oil only.

CAP. XXII.

An Act for more effectually providing for the Prosecution of Offences in England, and for other purposes.

[3rd July 1879.]

Whereas it is expedient to provide more effectually for the prosecution of offences in England, and for other purposes:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Prosecution of Offences Act, 1879.

2. *Appointment and duty of Director of Public Prosecutions.*] A Secretary of State may from time to time appoint an officer to be called the Director of Public Prosecutions, with such salary, not exceeding two thousand pounds per annum, as he may, with the consent of the Treasury, fix.

It shall be the duty of the Director of Public Prosecutions, under the superintendence of the Attorney-General, to institute, undertake, or carry on such criminal proceedings (whether in the Court for Crown Cases Reserved, before sessions of oyer and terminer or of the peace, before magistrates or otherwise), and to give such advice and assistance to chief officers of police, clerks to justices, and other persons, whether officers or not, concerned in any criminal proceeding respecting the conduct of that proceeding, as may be for the time being prescribed by regulations under this Act, or may be directed in a special case by the Attorney-General.

The regulations under this Act shall provide for the Director of Public Prosecutions taking action in cases which appear to be of importance or difficulty, or in which special circumstances, or the refusal or failure of a person to proceed with a prosecution, appear to render the action of such director necessary to secure the due prosecution of an offender, and shall also fix the areas or districts for which the assistants of such director shall respectively be appointed and act.

3. *Establishment of office of Director of Public Prosecutions.*] A Secretary of State may from time to time appoint such assistants, not exceeding six, as may, with the sanction of the Treasury, seem necessary for the proper execution of his duties by the Director of Public Prosecutions, and may assign them their duties. And the Attorney-General, with the approval of a Secretary of State, may from time to time appoint such clerks, messengers, and servants as may, with the sanction of the Treasury, seem necessary for the proper execution of his duties by the Director of Public Prosecutions, and may assign them their duties.

There shall be paid to such assistants, clerks, messengers, and servants such salaries or remuneration as may be from time to time fixed by the Attorney-General, with the approval of a Secretary of State and the consent of the Treasury.

The said salaries and remuneration, and the salary of the Director of Public Prosecutions, and all expenses incurred in the execution of the duties of that director, shall be paid out of moneys provided by Parliament.

No Assistant Director of Public Prosecutions shall be appointed for any longer term than seven years; but any person vacating his office by reason of this provision may be re-appointed.

4. *Qualification of Director of Public Prosecutions and of assistants.*] A person appointed to be the Director of Public Prosecutions, or to be an assistant of such director, shall be either a barrister-at-law or a solicitor of the Supreme Court of Judicature, and shall be, in the case of the director, in actual practice and of not less standing than ten years, and, in the case of an assistant, in actual practice and of not less standing than seven years.

Neither the Director of Public Prosecutions nor any assistant of such director shall directly or indirectly practise in their profession except in the discharge of their duties under this Act.

5. *Delivery of recognizances, inquisitions, &c., to Director of Public Prosecutions.*] Where the Director of Public Prosecutions gives notice to any justice or coroner that he has instituted, or undertaken, or is carrying on any criminal proceeding, such justice and coroner shall, at the time and in the manner prescribed by the regulations under this Act, or directed in any special case by an order of the Attorney-General, transmit to the said director every recognizance,

information, certificate, inquisition, deposition, document, and thing which is connected with the said proceeding, and which the justice or coroner is required by law to deliver to the proper officer of the court in which the trial is to be had, and the said director shall, subject to the regulations under this Act, cause the same to be delivered to the said proper officer of the court, and shall be under the same obligation, on the same payment, to deliver to an applicant copies thereof as the said justice, coroner, or officer.

It shall be the duty of every clerk to a justice or to a police court to transmit, in accordance with the regulations under this Act, to the Director of Public Prosecutions, a copy of the information and of all depositions and other documents relating to any case in which a prosecution for an offence instituted before such justice or court is withdrawn or is not proceeded with within a reasonable time.

A failure on the part of any justice or coroner to comply with this section shall be deemed to be a failure to comply with the said requirement to deliver to the proper officer of the court, and any clerk to a justice or to a police court failing to comply with this section shall be liable to the same penalty to which a justice or coroner is liable for such failure as aforesaid.

6. *If director abandon prosecution aggrieved parties may proceed.*] Where any criminal proceeding has been instituted or undertaken by the Director of Public Prosecutions, any person having the right to institute and carry on such proceedings may, if he have good cause for so doing, show, by affidavit to any judge of the High Court of Justice, that such Director of Public Prosecutions has abandoned such proceedings, or has neglected duly to carry on the same, and such judge, after hearing such Director of Public Prosecutions, may give such directions as to the mode in which such proceedings shall be continued by such person so applying or by the said Director of Public Prosecutions, as to such judge shall appear right.

7. *Saving as to private prosecutors, and binding over persons to prosecute.*] Nothing in this Act shall interfere with the right of any person to institute, undertake, or carry on any criminal proceeding.

Where any criminal proceeding is instituted, undertaken, or carried on by the Director of Public Prosecutions, such director shall not be bound over to prosecute or conduct such proceeding, or required to give security for costs, and it shall not be necessary to bind over any person to prosecute or conduct such proceeding, and if any person is so bound over, or has given security for costs, he shall, upon the Director of Public Prosecutions undertaking the case, be released from such obligation, and the security shall be deemed to have been cancelled, and the Director of Public Prosecutions shall be liable to costs in lieu of such person.

The prosecution of an offender by the Director of Public Prosecutions shall, for the purpose of enabling a person to obtain a restitution of property, or obtaining, exercising, or enforcing any right, claim, or advantage whatsoever, have the same effect as if such person had been bound over to prosecute and had prosecuted the offender, subject to this proviso, that such person shall give all reasonable information and assistance to the said director in relation to the prosecution.

8. *Regulations may be made, &c., and to be laid before Parliament.*] The Attorney-General, with the approval of the Lord Chancellor and a Secretary of State, may from time to time make, and when made rescind, vary, and add to, regulations for carrying into effect this Act.

The draft of all such regulations proposed to be approved as aforesaid shall be laid before both Houses of Parliament and shall not be finally approved as aforesaid until the draft has lain before each House of Parliament for not less than forty days upon which such House has sat.

9. *Interpretation.*] In this Act, unless the context otherwise requires, the following terms have the meanings hereinafter respectively assigned to them; that is to say,

The term "the Treasury" means the Commissioners of her Majesty's Treasury:

The term "Secretary of State" means one of her Majesty's Principal Secretaries of State:

The term "person" includes a body of persons corporate or unincorporate:

The term "Attorney-General" means her Majesty's Attorney-General for England, and her Majesty's Solicitor-General for England, whenever such Solicitor.

General can by reason of a vacancy in the office of Attorney-General or otherwise act as the Attorney-General.

10. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and eighty, which day is in this Act referred to as the commencement of this Act.

CAP. XXIII.

An Act to provide for the Preservation of Hares in Ireland. [3rd July 1879.

CAP. XXIV.

An Act for promoting the Revision of the Statute Law of Ireland. [3rd July 1879.

CAP. XXV.

An Act to give facilities for providing Dispensary Houses and Dwelling Houses for Medical Officers of Dispensary Districts in certain parts of Ireland. [21st July 1879.

CAP. XXVI.

An Act to amend the Salmon Fishery Act with relation to fixed Engines in Tidal Waters. [21st July 1879.

Whereas it is expedient to amend the law relating to the salmon fisheries in England and Wales with reference to the close time for fixed engines in tidal waters:

Be it enacted, &c.:

1. *Construction of Act.*] This Act shall be read as one with the Salmon Fishery Acts, 1861 to 1876.

2. *Alteration of close season as to putts and putchers.*] Notwithstanding anything in the Salmon Fishery Acts, 1861 to 1876, contained, the annual close season for putts and putchers shall commence on the first day of September in each year, and terminate on the first day of May in the ensuing year, both inclusive. None of the provisions of the said Acts as to the weekly close season shall apply to putts or putchers.

3. *Short title.*] This Act may be cited as the Salmon Fishery Law Amendment Act, 1879.

CAP. XXVII.

An Act to empower Parliamentary Burghs in Scotland to become members of the Convention of Royal Burghs. [21st July 1879.

CAP. XXVIII.

An Act to repeal the Convention (Ireland) Act, passed in the Irish Parliament in the thirty-third year of the reign of His late Majesty King George the Third, and to amend and declare the Law in certain cases in respect to Assemblies and Public Meetings. [21st July 1879.

CAP. XXIX.

An Act to remove doubts as to the validity of certain Marriages of British subjects on board Her Majesty's ships. [21st July 1879.

Whereas officers commanding Her Majesty's ships on foreign stations have permitted marriages to be solemnized according to religious rites or ceremonies, or to be contracted *per verba de presenti* in the presence of such officers, in the belief that marriages were authorized by law to be so solemnized and contracted, and doubts have arisen with respect to the validity of such marriages, and it is expedient to confirm the same:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Confirmation of Marriages on Her Majesty's Ships Act, 1879.

2. *Confirmation of marriages of British subjects solemnized on board her Majesty's ships.*] All marriages, both of the parties being British subjects, which before the passing of this Act, have been solemnized on board one of her Majesty's vessels on a foreign station in the presence of the officer commanding such vessel, whether solemnized accord-

ing to any religious rite or ceremony, or contracted *per verba de presenti*, shall be valid in like manner as if the same had been solemnized within her Majesty's dominions with the due observance of all forms required by law.

Provided that this enactment shall not render valid any marriage which before the passing of this Act has been declared invalid by any court of competent jurisdiction in any proceeding touching such marriage, or any right dependent on the validity or invalidity thereof, or render valid any marriage where either of the parties has before the passing of this Act and during the life of the other party lawfully intermarried with any person.

CAP. XXX.

An Act to amend the Sale of Food and Drugs Act, 1875. [21st July 1879.

38 & 39 *Vict. c. 63.*] Whereas conflicting decisions have been given in England and in Scotland in regard to the meaning and effect of section six of the Sale of Food and Drugs Act, 1875, in this Act referred to as the principal Act, and it is expedient, in this respect and otherwise, to amend the said Act:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as the Sale of Food and Drugs Act Amendment Act, 1879.

2. *In sale of adulterated articles no defence to allege purchase for analysis.*] In any prosecution under the provisions of the principal Act for selling to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, it shall be no defence to any such prosecution to allege that the purchaser, having bought only for analysis, was not prejudiced by such sale. Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature or in substance or in quality, was not defective in all three respects.

3. *Officer, inspector, or constable may obtain a sample of milk at the place of delivery to submit to analyst.*] Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure at the place of delivery any sample of any milk in course of delivery to the purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of such milk; and such officer, inspector, or constable, if he suspect the same to have been sold contrary to any of the provisions of the principal Act, shall submit the same to be analyzed, and the same shall be analyzed, and proceedings shall be taken, and penalties on conviction be enforced in like manner in all respects as if such officer, inspector, or constable had purchased the same from the seller or consignee under section thirteen of the principal Act.

4. *Penalty for refusal to give milk for analysis.*] The seller or consignee or any person or persons entrusted by him for the time being with the charge of such milk, if he shall refuse to allow such officer, inspector, or constable to take the quantity which such officer, inspector, or constable shall require for the purpose of analysis, shall be liable to a penalty not exceeding ten pounds.

5. *Extension of Act as to sale in streets, &c.*] Any street or open place of public resort shall be held to come within the meaning of section seventeen of the principal Act.

6. *Reduction allowed to the extent of 25 degrees under proof for brandy, whisky, or rum, and 35 degrees for gin.*] In determining whether an offence has been committed under section six of the said Act by selling, to the prejudice of the purchaser, spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin.

7. *Extension of meaning of "county."*] Every liberty having a separate court of quarter sessions, except a liberty of a cinque port, shall be deemed to be a county within the meaning of the said Act.

8. *Quarter sessions boroughs not to contribute to county analyst.* 5 & 6 *Will. 4, c. 76.*] The town council of any borough

having a separate court of quarter sessions shall be exempt from contributing towards the expenses incurred in the execution of the principal Act in respect of the county within which such borough is situate, and the treasurer of the county shall exclude the expenses so incurred from the account required by section one hundred and seventeen of the Municipal Corporation Act, 1835, to be sent by him to such town council.

9. *Provision for boroughs with separate police.* The town council of any borough having under any general or local Act of Parliament, or otherwise, a separate police establishment, and being liable to be assessed to the county rate of the county within which the borough is situate, shall be paid by the justices of such county the proportionate amount contributed towards the expenses incurred by the county in the execution of the principal Act by the several parishes and parts of parishes within such borough in respect of the rateable value of the property assessable therein, as ascertained by the valuation lists for the time being in force.

10. *Special provision as to time for proceedings.* In all prosecutions under the principal Act, and notwithstanding the provisions of section twenty of the said Act, the summons to appear before the magistrates shall be served upon the person charged with violating the provisions of the said Act, within a reasonable time, and in the case of a perishable article not exceeding twenty-eight days from the time of the purchase from such person for test purposes of the food or drug, for the sale of which in contravention to the terms of the principal Act the seller is rendered liable to prosecution, and particulars of the offence or offences against the said Act of which the seller is accused, and also the name of the prosecutor, shall be stated on the summons, and the summons shall not be made returnable in a less time than seven days from the day it is served upon the person summoned.

CAP. XXXI.

An Act to amend the Public Health Act, 1875, as to interments. [21st July 1879.]

Be it enacted, &c. :

1. *Short title and construction.* 38 & 39 Vict. c. 55. This Act may be cited as the Public Health (Interments) Act, 1879, and shall be construed as one with the Public Health Act, 1875, in this Act called the principal Act.

2. (1.) *The provisions of 38 & 39 Vict. c. 55, extended to cemeteries.* The provisions of the principal Act, as to a place for the reception of the dead before interment, in the principal Act called a mortuary, shall extend to a place for the interment of the dead, in this Act called a cemetery; and the purposes of the principal Act shall include the acquisition, construction, and maintenance of a cemetery.

(2.) 38 & 39 Vict. c. 55, ss. 32-34. A local authority may acquire, construct, and maintain a cemetery either wholly or partly within or without their district, subject as to works without their district for the purpose of a cemetery to the provisions of the principal Act as to sewage works by a local authority without their district.

(3.) A local authority may accept a donation of land for the purpose of a cemetery, and a donation of money or other property for enabling them to acquire, construct, or maintain a cemetery.

3. 10 & 11 Vict. c. 65, incorporated with this Act. The Cemeteries Clauses Act, 1847, shall be incorporated with this Act.

CAP. XXXII.

An Act to bring into force the Army Discipline and Regulation Act, 1879, and for other purposes. [24th July 1879.]

CAP. XXXIII.

An Act to amend the Law relating to the Discipline and Regulation of the Army. [24th July 1879.]

Be it enacted, &c. :

Preliminary.

1. *Short title of Act.* This Act may be cited for all purposes as the Army Discipline and Regulation Act, 1879.

2. *Mode of bringing Act into force.* This Act shall not come into force except in pursuance of an annual Act of Parliament to be hereafter passed bringing the same into force, and shall continue in force only for such time and subject to such provisions as may be specified in such last-mentioned Act.

3. *Division of Act.* This Act is divided into five parts, relating to the following subject-matters; that is to say,

Part I., discipline.

Part II., enlistment.

Part III., billeting and impressment of carriages.

Part IV., general provisions.

Part V., application of military law, saving provisions, and definitions.

[Sections 4 to 72 relate to discipline; sections 73 to 98 to enlistment; sections 99 to 118 to billeting and impressment of carriages; and sections 119 to 136 contain general provisions.]

Exemptions of Officers and Soldiers.

137. *Exemptions of officers and soldiers from tolls.* All officers and soldiers of her Majesty's regular forces on duty or on the march; and

Their horses and baggage; and

All prisoners under military escort; and

All carriages and horses belonging to her Majesty or employed in her military service, when conveying any such persons as above in this section mentioned, or baggage or stores, or returning from conveying the same, shall be exempted from payment of any duties or tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing-place, or in passing along or over any turnpike or other road or bridge, otherwise demandable by virtue of any Act of Parliament already passed or hereafter to be passed, or by virtue of any Act, ordinance, order, or direction of the Legislature or other authority in India or any colony:

Provided that nothing in this section shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels.

When any soldiers have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may, at his option, pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

Any person who demands and receives any duty, toll, or rate in contravention of this section shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

138. *Exemption of soldiers in respect of civil process.* A soldier of her Majesty's regular forces shall not be liable to be taken out of her Majesty's service by any process, execution, or order of any court of law or otherwise, or to be compelled to appear in person before any court of law, except in respect of the following matters, or one of them; that is to say,

(1.) On account of a charge of or conviction for crime; or,

(2.) On account of any debt, damages, or sum of money, when the amount exceeds thirty pounds over and above all costs of suit.

For the purposes of this section a crime shall mean a felony, misdemeanour, or other crime or offence punishable, according to the law in force in that part of her Majesty's dominions in which such soldier is, with fine or imprisonment or some greater punishment, and shall not include the offence of a person absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting his contract.

For the purposes of this section a court of law shall be deemed to include a court of summary jurisdiction and any magistrate.

The amount of the debt, damages, or sum shall be proved for the purpose of any process issued before the court has adjudicated on the case by an affidavit of the person seeking to recover the same or of some one on his behalf, and such affidavit shall be sworn, without payment of any

fee, in the manner in which affidavits are sworn in the court in which proceedings are taken for the recovery of the sum, and a memorandum of such affidavit shall, without fee, be indorsed upon any process or order issued against a soldier.

All proceedings and documents in or incidental to a process, execution, or order in contravention of this section shall be void; and where complaint is made by a soldier or his commanding officer that such soldier is dealt with in contravention of this section by any process, execution, or order issued out of any court, and is made to that court or to any court superior to it, the court or some judge thereof shall examine into the complaint, and shall, if necessary, discharge such soldier without fee, and may award reasonable costs to the complainant, which may be recovered as if costs had been awarded in his favour in any action or other proceeding in such court.

Provided that—

- (1.) Any person having cause of action or suit against a soldier of the regular forces may, notwithstanding anything in this section, after due notice in writing given to the soldier, or left at his last quarters, proceed in such action or suit to judgment, and have execution other than against the person, pay, arms, ammunition, equipments, instruments, regimental necessities, or clothing of such soldier; and
- (2.) This section shall not prevent such proceeding with respect to apprentices and indentured labourers as authorized by this Act.

139. *Liability of soldier to maintain wife and children.* [A soldier of the regular forces shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier; but execution shall not issue against his person, pay, arms, ammunition, equipments, instruments, regimental necessities, or clothing, nor shall he be liable to be punished for the offence of deserting or neglecting to maintain his wife or family, or any member thereof, or of leaving her or them chargeable to any union, parish, or place.

When any order or decree is made under any Act or at common law for payment by a soldier of the regular forces either of the cost of the maintenance of his wife, or child, or of any bastard child of whom he is the putative father, or the cost of any relief given to his wife or child by way of loan, a copy of such order or decree shall be sent to a Secretary of State, and in the case—

- (1.) Of such order or decree being so sent; or
- (2.) Of it appearing to the satisfaction of a Secretary of State that a soldier of the regular forces has deserted or left in destitute circumstances, without reasonable cause, his wife or any of his legitimate children under fourteen years of age,

the Secretary of State may order a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, to be deducted from such daily pay, and to be appropriated, in the first case, in liquidation of the sum adjudged to be paid by such order or decree, and in the second case, towards the maintenance of such wife or children, in such manner as the Secretary of State thinks fit.

Where a proceeding is instituted against a soldier of the regular forces under any Act, or at common law, for the purpose of enforcing against him any such liability as above in this section mentioned, and such soldier is quartered out of the jurisdiction of the court, or, if the proceeding is before a court of summary jurisdiction, out of the petty sessional division in which the proceeding is instituted, the process shall be served on the commanding officer of such soldier, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if made against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose; and no process whatever under any Act or at common law in any proceeding in this section mentioned shall be valid against a soldier of the regular forces if served after the time at which an order has been given for the embarkation for service beyond the seas

of the corps to which the soldier belongs, or of the part of the corps in which he is serving.

140. *Officers not to be sheriffs or mayors.* [A person who is commissioned and in full pay as an officer in her Majesty's regular forces shall not be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor or alderman of, or to hold any office in, any municipal corporation in any city, borough, or place in the United Kingdom.

[Sections 141 to 144 relate to Court of Requests in India.]

Legal Penalties in Matters respecting Forces.

145. *Punishment for pretending to be a deserter.* [Any person who falsely confesses himself to be a deserter from her Majesty's regular forces shall on summary conviction be sentenced to be imprisoned, with or without hard labour, for any period not exceeding three months.

146. *Punishment for inducing soldiers to desert.* [Any person who in the United Kingdom or elsewhere by any means whatsoever—

- (1.) Procures or persuades any soldier to desert, or attempts to procure or persuade any soldier to desert; or
- (2.) Knowing that a soldier is about to desert, aids or assists him in deserting; or
- (3.) Knowing any soldier to be a deserter, conceals such soldier, or aids or assists him in concealing himself, or aids or assists in his rescue,

shall be liable on summary conviction to be imprisoned, with or without hard labour, for a term not exceeding six months.

147. *Apprehension of deserters.* [With respect to deserters the following provisions shall have effect:

- (1.) Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or soldier or other person, to apprehend such suspected person, and forthwith to bring him before a court of summary jurisdiction:
- (2.) Where a person is brought before a court of summary jurisdiction charged with being a deserter under this Act, such court may deal with the case in like manner as if such person were brought before the court charged with an indictable offence, or in Scotland an offence:
- (3.) The court, if satisfied either by evidence on oath or by the confession of such person that he is a deserter shall forthwith, as it may seem to the court most expedient with regard to his safe custody, cause him either to be delivered into military custody in such manner as the court may deem most expedient, or, until he can be so delivered, to be committed to some prison, police station, or other place legally provided for the confinement of persons in custody, for such reasonable time as appears to the court reasonably necessary for the purpose of delivering him into military custody:
- (4.) Where the person confesses himself to be a deserter, and evidence of the truth or falsehood of such confession is not then forthcoming, the court shall remand such person for the purpose of obtaining information as to the truth or falsehood of the said confession, and for that purpose the court shall transmit, if sitting in the United Kingdom to a Secretary of State, and if in India to the general or other officer commanding the forces in the military district or station where the court sits, and if in a colony to the general or other officer commanding the forces in that colony, a return (in this Act referred to as a descriptive return) containing such particulars and being in such form as is specified in the fifth schedule to this Act, or as may be from time to time directed by a Secretary of State:
- (5.) The court may from time to time remand the said person for a period not exceeding eight days in each instance and not exceeding in the whole such period as appears to the court reasonably necessary for the purpose of obtaining the said information:
- (6.) Where the court causes a person either to be delivered into military custody or to be committed as a deserter, the court shall send, if in the United Kingdom to a Secretary of State, and if in India or a colony to the general or other officer commanding as aforesaid,

a descriptive return in relation to such deserter, for which the clerk of the court shall be entitled to a fee of two shillings :

(7.) A Secretary of State shall direct payment of the said fee.

148. *Penalty on trafficking in commissions.* Every person (except the Army Purchase Commissioners, and persons acting under their authority by virtue of the Regulation of the Forces Act, 1871) who negotiates, acts as agent for, or otherwise aids or connives at—

(1.) The sale or purchase of any commission in her Majesty's regular forces; or

(2.) The giving or receiving of any valuable consideration in respect of any promotion in or retirement from such forces, or any employment therein; or

(3.) Any change which is made in manner not authorized by regulations made in pursuance of the Regimental Exchanges Act, 1875, and in respect of which any sum of money or other consideration is given or received,

shall be liable on conviction on indictment or information to a fine of one hundred pounds, or to imprisonment for any period not exceeding six months, and if an officer, on conviction by court-martial, to be dismissed the service.

149. *Penalty on purchasing from soldiers regimental necessaries, equipments, stores, &c.* (1.) Every person who—

(a.) Buys, exchanges, takes in pawn, detains, or receives from a soldier, or any person acting on his behalf, on any pretence whatsoever; or

(b.) Solicits or entices any soldier to sell, exchange, pawn, or give away; or

(c.) Assists or acts for a soldier in selling, exchanging, pawning, or making away with,

any of the property following: namely, any arms, ammunition, equipments, instruments, regimental necessaries, or clothing, or any military decorations of an officer or soldier, or any furniture, bedding, blankets, sheets, utensils, and stores in regimental charge, or any provisions or forage issued for the use of an officer or soldier, or his horse, or of any horse employed in her Majesty's service, shall, unless he proves either that he acted in ignorance of the same being such property as aforesaid, or of the person with whom he dealt being or acting for a soldier, or that the same was sold by order of a Secretary of State or some competent military authority, be liable on summary conviction, in the case of the first offence, to a fine not exceeding twenty pounds, together with treble the value of any property of which such offender has become possessed by means of his offence; and in the case of a second offence, to a fine not exceeding twenty pounds, together with treble the value of any property of which such offender has become possessed by means of his offence, but not less than five pounds, or to imprisonment with or without hard labour, for a term not exceeding six months.

(2.) Where any such property as above in this section mentioned is found in the possession or keeping of any person, such person may be taken or summoned before a court of summary jurisdiction, and if such court have reasonable ground to believe that the property so found was stolen, or was bought, exchanged, taken in pawn, obtained or received in contravention of this section, then if such person does not satisfy the court that he came by the property so found lawfully and without any contravention of this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds.

(3.) A person charged with an offence against this section, and the wife or husband of such person, may, if he or she think fit, be sworn and examined as an ordinary witness in the case.

(4.) A person found committing an offence against this section may be apprehended without warrant, and taken, together with the property which is the subject of the offence, before a court of summary jurisdiction; and any person to whom any such property as above mentioned is offered to be sold, pawned, or delivered, who has reasonable cause to suppose that the same is offered in contravention of this section, may, and if he has the power shall, apprehend the person offering such property, and forthwith take him, together with such property, before a court of summary jurisdiction.

(5.) A court of summary jurisdiction, if satisfied on oath that there is reasonable cause to suspect that any person has

in his possession, or on his premises, any property on or with respect to which any offence in this section mentioned has been committed, may grant a warrant to search for such property, as in the case of stolen goods; and any property found on such search shall be seized by the officer charged with the execution of such warrant, who shall bring the person in whose possession the same is found before some court of summary jurisdiction, to be dealt with according to law.

(6.) For the purposes of this section property shall be deemed to be in the possession or keeping of a person if he knowingly has it in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit, or for the use or benefit of another.

(7.) Articles which are public stores within the meaning of the Public Stores Act, 1875, and are not included in the foregoing description, shall not be deemed to be stores issued as regimental necessaries, or otherwise within the meaning of section thirteen of that Act.

(8.) It shall be lawful for the Governor-General of India or for the Legislature of any colony on the recommendation of the governor thereof, but not otherwise, by any law or ordinance to reduce a minimum fine under this section to such amount as may to such Governor-General or Legislature appear to be better adapted to the pecuniary means of the inhabitants.

Jurisdiction.

150. *Person not to be tried twice.* Where a person subject to military law has been acquitted or convicted of an offence by a court-martial, he shall not be liable to be tried again by a court-martial in respect of that offence.

151. *Liability to military law in respect of status.* Where an offence under this Act has been committed by any person while subject to military law, such person may be taken into, and kept in military custody, and tried and punished for such offence, although he, or the corps to which he belongs, has ceased to be subject to military law, in like manner as he might have been taken into, and kept in military custody, tried or punished, if he or such corps had continued so subject:

Provided that where a person has since the commission of an offence ceased to be subject to military law, he shall not be tried for such offence, except in the case of the offence of mutiny, desertion, or fraudulent enlistment, unless his trial commences within three months after he has ceased to be subject to military law; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court as well as by court-martial.

Where a person subject to military law is sentenced by court-martial to penal servitude or imprisonment, this Act shall apply to him during the term of his sentence, notwithstanding that he is discharged or dismissed from her Majesty's service, or has otherwise ceased to be subject to military law, and he may be kept, removed, imprisoned, and punished accordingly as if he continued to be subject to military law.

152. *Liability to military law in respect of place of commission of offence.* Any person subject to military law who within or without her Majesty's dominions commits any offence for which he is liable to be tried by court-martial may be tried and punished for such offence at any place (either within or without her Majesty's dominions) which is within the jurisdiction of an officer authorized to convene general courts-martial, and in which the offender may for the time being be, in the same manner as if the offence had been committed where the trial by court-martial takes place, and the offender were under the command of the officer convening such court-martial.

153. *Punishment not increased by trial elsewhere than where offence committed.* No person shall be subject to any punishment or penalties under the provisions of this Act other than those which could have been inflicted if he had been tried in the place where the offence was committed.

154. *Liability to military law in respect of time for trial of offences.* A person shall not in pursuance of this Act be tried or punished for any offence triable by court-martial committed more than three years before the date at which his trial begins, except in the case of the offence of mutiny, desertion, or fraudulent enlistment; but this section shall not

affect the jurisdiction of a civil court in the case of any offence triable by such court, as well as by court-martial; and where a soldier has served continuously in an exemplary manner for not less than three years in any corps of her Majesty's regular forces, he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years, but where such offence was fraudulent enlistment all service prior to such enlistment shall be forfeited, and his attestation upon his last enlistment shall be as valid as if he had not been guilty of fraudulent enlistment, and every prior attestation shall be cancelled.

155. *Adjustment of military and civil law.* (1.) If a person sentenced by a court-martial in pursuance of this Act to punishment for an offence is afterwards tried by a civil court for the same offence, that court shall, in awarding punishment, have regard to the military punishment he may have already undergone.

(2.) Save as aforesaid, nothing in this Act shall exempt an officer or soldier from being proceeded against by the ordinary course of law, when accused or convicted of any offence, except such an offence as is declared not to be a crime for the purpose of the provisions of this Act relating to taking a soldier out of her Majesty's service.

(3.) If an officer—

(a.) Neglects or refuses on application to deliver over to the civil magistrate any officer or soldier under his command, who is so accused or convicted as aforesaid; or

(b.) Willfully obstructs or neglects or refuses to assist constables or other ministers of justice in apprehending any such officer or soldier,

such commanding officer shall, on conviction in any of her Majesty's superior courts in the United Kingdom, or in a supreme court in India, be guilty of a misdemeanour.

(4.) A certificate of a conviction of an officer under this section, with the judgment of the court thereon in such form as may be directed by a Secretary of State, shall be transmitted to such Secretary of State.

(5.) Any offence committed by any such commanding officer out of the United Kingdom shall for the purpose of the apprehension, trial, and punishment of the offender be deemed to have been committed within the jurisdiction of her Majesty's High Court of Justice in England; and such court shall have jurisdiction as if the place where the offence was committed or the offender may for the time being be were in England.

(6.) Where a person subject to military law has been acquitted or convicted of an offence by a competent civil court, he shall not be liable to be tried in respect of that offence under this Act.

Evidence.

156. *Regulations as to evidence.* The following enactments shall be made with respect to evidence in proceedings under this Act, whether before a civil court or a court-martial; that is to say,

(a.) The attestation paper purporting to be signed by a person on his being attested as a soldier, or the declaration purporting to be made by any person upon his re-engagement in any of her Majesty's regular forces, or upon any enrolment in any branch of her Majesty's service, shall be evidence of such person having given the answers to questions which he is therein represented as having given:

The enlistment of a person in her Majesty's service may be proved by the production of a copy of his attestation paper purporting to be certified to be a true copy by the officer having the custody of the attestation paper without proof of the handwriting of such officer, or of his having the custody of the paper:

(b.) A letter respecting the service of any person in or the discharge of any person from any portion of her Majesty's forces, or respecting a person not having served in or belonged to any portion of her Majesty's forces, if purporting to be signed by or on behalf of a Secretary of State, or of the Commissioners of the Admiralty, or by the commanding officer of any portion of her Majesty's forces, or of any of her Majesty's ships, to which such person appears to have belonged, or alleges that he belongs or had belonged, shall be evidence of the facts stated in such letter:

(c.) Copies purporting to be printed by a government printer of Queen's regulations, of royal warrants, of army circulars, and of rules made by her Majesty, or a Secretary of State, in pursuance of this Act, shall be evidence of such regulations, royal warrants, army circulars, and rules:

(d.) An army list purporting to be published by authority, and either to be printed by a government printer or to be issued if in the United Kingdom, by her Majesty's Stationery Office, and if in India, by some office under the Governor-General of India or the Governor of any presidency in India, shall be evidence of the status and rank of the officers therein mentioned, and of any appointment held by such officers, and of the corps or arm or branch of the service to which such officers belong:

(e.) Any warrants or orders made in pursuance of this Act by any military authority shall be deemed to be evidence of the matters and things therein directed to be stated by or in pursuance of this Act, and any copies of such warrants or orders purporting to be certified to be true copies by the officer therein alleged to be authorized by a Secretary of State or Commander-in-Chief to certify the same shall be admissible in evidence:

(f.) Evidence of the delivery at the then last registered place of abode of a man enrolled in the Army Reserve of a notice issued by the proper officer under the direction of a Secretary of State or of the delivery of a letter containing such notice addressed to the said place of abode, shall be evidence that such notice was brought to the knowledge of such man:

(g.) A record made in one of the regimental books in pursuance of the Queen's regulations, purporting to be signed by the commanding officer or by the officer required by the said regulations to make such record, shall be evidence of the facts stated by such record:

(h.) A copy of any record in one of the said regimental books purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record:

(i.) A descriptive return within the meaning of this Act, purporting to be signed by a justice of the peace, shall be evidence of the matters therein stated.

For the purposes of this Act the expression "government printer" means any printer to her Majesty, and any printer purporting to be the printer authorized to print the Acts of State or other public documents of the Government of India, or any presidency in India, or otherwise to be the government printer of India or such presidency.

157. *Evidence of civil conviction or acquittal.* Whenever any person subject to military law has been tried by any civil court, the clerk of such court, or his deputy, or other officer having the custody of the records of such court, shall, if required by the commanding officer of such person, or by any other officer, transmit to him a certificate setting forth the offence for which the person was tried, together with the judgment of the court thereon if he was convicted, and the acquittal if he was acquitted, and shall be allowed for such certificate a fee of three shillings. Any such certificate shall be sufficient evidence of the conviction and sentence or of the acquittal of the prisoner, as the case may be.

158. *Evidence of conviction by court-martial.* The original proceedings of a court-martial, purporting to be signed by the president thereof and being in the custody of the Judge Advocate-General, or of the officer having the lawful custody thereof, shall be deemed to be of such a public nature as to be admissible in evidence on their mere production from such custody; and any copy thereof purporting to be certified by such Judge Advocate-General or his deputy authorized in that behalf, or by the officer having such custody as aforesaid, to be a true copy of such proceedings or of any part thereof, shall be admissible in evidence without proof of the signature of such Judge Advocate, deputy, or officer; and a Secretary of State, upon production of any such certified copy, may, by warrant under his hand, authorize the offender appearing therefrom to have been convicted and sentenced to any punishment, to be imprisoned and otherwise dealt with in accordance with the sentence in the certified copy mentioned.

Summary and other Legal Proceedings.

159. *Prosecution of offences, and recovery and application of fines.* A court of summary jurisdiction shall have jurisdiction over all offences triable in a civil court under this Act, except any such offence as is declared by this Act to be a misdemeanour, or to be punishable on indictment; and any offence within the jurisdiction of a court of summary jurisdiction may be prosecuted, and the fine and forfeiture in respect thereof may be recovered on summary conviction, in manner provided by the Summary Jurisdiction Acts.

Any proceedings taken before a court of summary jurisdiction in pursuance of this Act shall be taken in accordance with the Summary Jurisdiction Acts so far as applicable.

A court of summary jurisdiction imposing a fine in pursuance of this Act may, if it seem fit, order a portion of such fine not exceeding one half to be paid to the informer.

The court of summary jurisdiction in England and Ireland, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

Subject to the provisions of this Act with regard to the payment to the informer, fines and other sums recovered before a court of summary jurisdiction in pursuance of this Act shall, notwithstanding anything contained in any other Act, if recovered in England, be paid into the Exchequer, and if recovered in Ireland, shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Acts amending the same.

160. *Summary proceedings in Scotland.* (1.) In Scotland, offences and fines which may be prosecuted and recovered on summary conviction may be prosecuted and recovered and proceedings under this Act may be taken at the instance of the procurator fiscal of the court, or of any person in that behalf authorized by a Secretary of State or the Commander-in-Chief, or of any person authorized by this Act to complain.

(2.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months, and the conviction and warrant may be in the form number three of Schedule K. of the Summary Procedure Act, 1864.

All fines and other sums recovered under this Act before a court of summary jurisdiction, subject to any payment made to the informer, shall be paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of her Majesty.

(3.) It shall be no objection to the competency of a person to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such person.

(4.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction.

(5.) All jurisdictions, powers, and authorities necessary for the purposes of this Act are conferred on the sheriffs and their substitutes and on justices of the peace.

(6.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by the procurator fiscal of the court, or such person as aforesaid, presented in common form.

161. *Summary proceedings in Isle of Man, Channel Islands, India, and the colonies.* All offences under this Act which may be prosecuted, and all fines under this Act which may be recovered on summary conviction, and all proceedings under this Act which may be taken before a court of summary jurisdiction, may be prosecuted and recovered and taken in the Isle of Man, Channel Islands, India, and any colony in such courts and in such manner as may be from time to time provided therein by law, or if no express provision is made, then in and before the courts and in the manner in which the like offences and fines may be prosecuted and recovered and proceedings taken therein by law, or as near thereto as circumstances admit.

162. *Power of Governor-General of India and Legislature of colony as to fines.* It shall be lawful for the Governor-

General of India, and for the Legislature of any colony, to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor-General or Legislature to be better adapted to the pecuniary means of the inhabitants, and also to declare the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act.

163. *Protection of persons acting under Act.* Any action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within twelve months next after the ceasing thereof.

In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

Every such action, and also every action against a member or minister of a court-martial in respect of a sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in one of her Majesty's superior courts in the United Kingdom (which courts shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India, or in any colonial court of superior jurisdiction, provided the matter complained of occurred within the jurisdiction of such colonial court, and in no other court whatsoever.

Miscellaneous.

164. *Exercise of powers vested in holder of military office.* Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any military office may be exercised by, or done by, to, or before any other person for the time being authorized in that behalf according to the custom of the service.

165. *Provisions as to warrants and orders of military authorities.* (1.) Where any order is authorized by this Act to be made by the Commander-in-Chief, or the Adjutant-General, or by the Commander-in-Chief or Adjutant-General of the forces in India or in any presidency in India, or by any general or other officer commanding, such order may be signified by an order, instruction, or letter under the hand of any officer authorized to issue orders on behalf of such Commander-in-Chief, Adjutant-General, or general or other officer commanding, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorized shall be evidence of his being so authorized.

(2.) An order issued in pursuance of this Act, in relation to a military convict or military prisoner shall not be held void by reason of the death or removal from office of the officer issuing the same, or by reason of any defect in such order, if it be alleged in such order that the convict or prisoner has been convicted, and there is a good and valid conviction to sustain the order.

(3.) An order in any case if issued in the prescribed form shall be valid, but an order deviating from the prescribed form if otherwise valid shall not be rendered invalid by reason only of such deviation.

(4.) Where any military convict or military prisoner is for the time being in custody, whether military or civil, in any place or manner in which he might legally be kept in pursuance of this Act, the custody of such convict or prisoner shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant, or other document, or the authority by or in pursuance whereof such convict or prisoner was brought into or is detained in such custody, and any such order, warrant, or document may be amended accordingly.

166. *Furlough in case of sickness.* If any soldier on furlough is detained by sickness or other casualty rendering necessary any extension of such furlough in any place, and

there is not any officer in the performance of military duty of the rank of captain, or of higher rank, within convenient distance of the place, any justice of the peace who is satisfied of such necessity may grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of such soldier, if known, and if not, then to a Secretary of State. The soldier may be recalled to duty by his commanding officer or other competent military authority, and the furlough shall not be deemed to be extended after such recall, but, save as aforesaid, the soldier shall not in respect of the period of such extension of furlough be liable to be treated as a deserter, or as absent without leave.

167. *Licences of canteens.*] When a person holds a canteen under the authority of a Secretary of State, it shall be lawful for any two justices within their respective jurisdictions to grant, transfer, or renew any licence for the time being required to enable such person to obtain or hold any excise licence for the sale of any intoxicating liquor, without regard to the time of year, and without regard to the requirements as to notices, certificates, or otherwise, of any Acts for the time being in force affecting such licences; and excise licences may be granted to such person accordingly.

For the purposes of this section the expression licence includes any licence or certificate for the time being required by law to be granted, renewed, or transferred by any justices of the peace, in order to enable any person to obtain or hold any excise licence for the sale of any intoxicating liquor.

PART V.

APPLICATION OF MILITARY LAW, SAVING PROVISIONS, AND DEFINITIONS.

Persons subject to Military Law.

- 168. *Persons subject to military law as officers.*
- 169. *Persons subject to military law as soldiers.*
- 170. *Mutual relations of regular forces and auxiliary forces.*
- 171. *Modification of Act with respect to Royal Marines.*
- 172. *Modification of Act with respect to her Majesty's Indian forces.*
- 173. *Modification of Act with respect to auxiliary forces.*
- 174. *Special provisions as to warrant officers.*
- 175. *Special provisions as to non-commissioned officers.*
- 176. *Special provisions as to application of Act to persons not belonging to her Majesty's forces.*
- 177. *Special provisions as to reserve men.*
- 178. *Special provision as to prisoners and prisons in Ireland.*

Saving Provisions.

179. *Saving of 29 & 30 Vict. c. 109, s. 88, as to forces when on board her Majesty's ships.*] Nothing in this Act shall affect the application of the Naval Discipline Act, 1866, or any Order in Council made thereunder, to any of her Majesty's forces when embarked on board any ship commissioned by her Majesty, and the auxiliary forces shall be deemed to be part of her Majesty's forces within the meaning of that Act.

Definitions.

180. *Application of Act to Channel Islands and Isle of Man.*] This Act shall apply to the Channel Islands and the Isle of Man in like manner as if they were part of the United Kingdom, subject to the following modifications:

- (1) The provisions of this Act relating to billeting and the impressment of carriages shall not extend to the Channel Islands and the Isle of Man;
- (2) For the purposes of the provisions of this Act relating to the execution of sentences of penal servitude or imprisonment, and to prisons, the Channel Islands and the Isle of Man shall be deemed to be colonies;
- (3) For the purposes of the provisions of this Act re-

lating to the auxiliary forces, the Channel Islands shall be deemed to be colonies:

- (4.) For the purposes of the provisions of this Act relating to the militia the Isle of Man shall be deemed to be a colony.

181. *Interpretation of terms.*] In this Act, if not inconsistent with the context, the following expressions have the meanings hereinafter respectively assigned to them: that is to say,

The expression "Secretary of State" means one of her Majesty's Principal Secretaries of State.

The expression "Lord Lieutenant of Ireland" includes the lords justices or other chief governor or governor of Ireland:

The expression "Commander-in-Chief" means the field-marshal or other officer commanding in chief her Majesty's forces for the time being:

The expression "officer" means an officer commissioned or in pay as an officer in her Majesty's regular, reserve, or auxiliary forces, or any arm, branch, or part thereof; it also includes a person who, by virtue of his commission, is appointed to any department or corps of her Majesty's regular, reserve, or auxiliary forces, or of any arm, branch, or part thereof; it also includes a person, whether retired or not, who, by virtue of his commission or otherwise, is legally entitled to the style and rank of an officer of her Majesty's said forces, or of any arm, branch, or part thereof:

Warrant and other officers holding honorary commissions are officers within the meaning of this Act, subject to the exceptions in this Act mentioned:

The expression "non-commissioned officer" includes an acting non-commissioned officer, and includes a warrant officer not holding an honorary commission, and also includes an army schoolmaster:

The expression "soldier" does not include an officer as defined by this Act, but with the modifications in this Act contained in relation to warrant officers and non-commissioned officers, does include a warrant officer not having an honorary commission and a non-commissioned officer, and every person subject to military law during the time that he is so subject:

The expression "superior officer," when used in relation to a soldier, includes a non-commissioned officer as above defined:

The expressions "regular forces" and "her Majesty's regular forces" mean officers and soldiers who by their commission, terms of enlistment, or otherwise, are liable to render continuously for a term military service to her Majesty in any part of the world, including, subject to the modifications in this Act mentioned, the Royal Marines and her Majesty's Indian forces, and subject to this qualification that when the reserve forces are subject to military law at the times specified in this Act such forces become during the period of their being so subject part of the regular forces:

The expression "reserve forces" means the army reserve force and the militia reserve force:

The expression "the army reserve force" means the reserve force established under the Reserve Force Act, 1867, and any Act amending the same:

The expression "the militia reserve force" means the men enlisted from time to time under the Militia Reserve Act, 1867, and any Act amending the same:

The expression "auxiliary forces" means the militia, the yeomanry, and the volunteers:

The expression "militia" includes general and local militia:

The expression "volunteers" includes the Honourable Artillery Company of London:

The expression "corps" means,—

- (1.) In the case of her Majesty's regular forces—
 - (a.) As respects cavalry, a regiment; and
 - (b.) As respects artillery, a regiment; and
 - (c.) As respects engineers, a corps; and
 - (d.) As respects infantry, a territorial brigade consisting of two or more battalions, associated by general order or Royal warrant for the purpose of enlistment and service, exclusive of the auxiliary forces belonging to such brigade, but inclusive of such portion of the permanent staff of those auxiliary forces as consists of officers or soldiers of the regular forces; and

also means a regiment not included in a territorial brigade; and

(c.) Means the Royal Marine forces, in this Act referred to as the Royal Marines; and also

(f.) Means the Army Service Corps, the Army Hospital Corps, and any other portion of her Majesty's regular forces, by whatever name called, which is declared by Royal warrant to be a corps for the purposes of this Act; and also

g.) Means any other portion of her Majesty's regular forces employed on any service and not attached to any corps as above defined :

(2.) In the case of her Majesty's auxiliary force^s means—

(a.) A regiment of militia;

(b.) A regiment of yeomanry cavalry;

(c.) A corps of volunteers; and

(d.) Means any other portion of her Majesty's auxiliary forces employed in any service, and not attached to any corps as above defined :

The expression "regimental" means connected with a corps, or with any battalion or other subdivision of a corps:

The expression "military decoration" means any medal, clasp, good-conduct badge, or decoration:

The expression "military reward" means any gratuity or annuity for long service or good conduct; it also includes a good conduct pay or pension and any other military pecuniary reward:

The expression "enemy" includes all armed mutineers, armed rebels, armed rioters, and pirates:

The expression "on active service" as applied to a person subject to military law means whenever he is attached to or forms part of a force which is engaged in operations against the enemy or is engaged in military operations in a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country:

The expression "India" means any territories the government of which is vested in her Majesty by or in pursuance of the Act of the session of the twenty-first and twenty-second years of the reign of her present Majesty, chapter one hundred and six, intituled "An Act for the better government of India," and the Acts amending the same, and also any territories in India under the dominion of any native prince or princes:

The expression "native of India within the meaning of Indian military law" means a person triable and punishable under that law:

The expression "colony" means for the purposes of this Act Cyprus and any part of her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and the Isle of Man, and India, and all territories and places being part of her Majesty's dominions, which are under one Legislature shall be deemed for the purposes of this Act to constitute one colony; and where there are local Legislatures as well as a central Legislature the expression "Legislature" means the central Legislature only:

The expression "foreign country" means any place which is not situate in the United Kingdom, a colony, or India, as above defined:

The expression "beyond the seas" means out of the United Kingdom, the Channel Islands, and Isle of Man; and the expression "station beyond the seas" includes any place where any of her Majesty's forces are serving out of the United Kingdom, the Channel Islands, and Isle of Man:

The expression "governor-general" in its application to India means the Governor-General of India in Council:

The expression "governor" as respects "the presidency of Bengal" means the Governor-General of India in Council, and as respects the presidencies of Madras and Bombay means the Governor in Council of the presidency, and in its application to a colony includes the lieutenant-governor or other officer administering the government of the colony:

The expressions "oath" and "swear," and other expressions relating thereto, include affirmation or declaration, affirm or declare, and expressions relating thereto, in

cases where an affirmation or declaration is by law allowed instead of an oath:

The expression "superior court," in the United Kingdom, means her Majesty's High Court of Justice in England, the Court of Session in Scotland, and her Majesty's High Court of Justice at Dublin:

The expression "supreme court" means, as regards India, any high court or any chief court, and the expression "court of superior jurisdiction," as regards a colony, means a court exercising in that colony the like authority as the High Court of Justice in England:

The expression "civil court" means, with respect to any crime or offence, a court of ordinary criminal jurisdiction, and includes a court of summary jurisdiction:

The expression "prescribed" means prescribed by any rules of procedure made in pursuance of this Act:

The expression "misdemeanor," as far as regards Scotland, means a crime or offence, and so far as regards India means a crime punishable by fine and rigorous or simple imprisonment at the discretion of the court:

"Summary Jurisdiction Acts." The expression "Summary Jurisdiction Acts" means—

(a.) As regards England, the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same;

(b.) As regards Scotland, the Summary Procedure Act, 1864, and any Acts amending the same; and

(c.) As regards Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act amending the same:

"Court of Summary Jurisdiction." The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and as regards Scotland, means the sheriff or sheriff substitute or any two justices of the peace sitting in open court; or any magistrate or magistrates to whom jurisdiction is given by the Summary Procedure (Scotland) Act, 1864; and as regards India, a colony, the Channel Islands and Isle of Man, means the court, justices, or magistrates who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable:

The expression "county court judge" includes—

(1.) In the case of Scotland, the sheriff or sheriff substitute; and

(2.) In the case of Ireland, the judge of the Civil Bill Court:

The expression "constable" includes a high constable and a commissioner, inspector, or other officer of police:

The expression "police authority" means the commissioner, commissioners, justices, watch committee, or other authority having the control of a police force:

The expression "horse" includes a mule, and the provisions of this Act shall apply to any beast of burden or draught of whatever description in like manner as if such beast were included in the expression "horse."

For the purpose of deducting pay a part of a day shall not be reckoned as a day, unless it consists of six hours or upwards.

[Five schedules follow.]

CAP. XXXIV.

An Act to regulate the Employment of Children in places of public amusement in certain cases.

[24th July 1879.]

Whereas it is expedient to regulate the employment of children in places of public amusement in certain cases:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Children's Dangerous Performances Act, 1879.

2. *Commencement of Act.*] This Act shall not come into operation until the first day of January one thousand eight hundred and eighty, which date is hereinafter referred to as the commencement of this Act.

3. *Penalty for employment of any child in dangerous performances.*] From and after the commencement of this Act, any person who shall cause any child under the age of fourteen years to take part in any public exhibition or performance whereby, in the opinion of a court of summary jurisdiction, the life or limbs of such child shall be endangered, and the parent or guardian, or any person having the custody, of such child, who shall aid or abet the same, shall severally be guilty of an offence against this Act, and shall on summary conviction be liable for each offence to a penalty not exceeding ten pounds.

Compensation for accident to any child.] And where in the course of a public exhibition or performance which in its nature is dangerous to the life or limb of a child under such age as aforesaid taking part therein, any accident causing actual bodily harm occurs to any such child, the employer of such child shall be liable to be indicted as having committed an assault; and the court before whom such employer is convicted on indictment shall have the power of awarding compensation, not exceeding twenty pounds, to be paid by such employer to the child, or to some person named by the court on behalf of the child, for the bodily harm so occasioned; provided that no person shall be punished twice for the same offence.

4. *Evidence of age.*] Whenever any person is charged with an offence against this Act in respect of a child who in the opinion of the court trying the case is apparently of the age alleged by the informant, it shall lie on the person charged to prove that the child is not of that age.

5. *Recovery of penalties.*] Every offence against this Act in respect of which the person committing it is liable as above mentioned to a penalty not exceeding ten pounds shall be prosecuted and the penalty recovered with costs in a summary manner, as follows:

In England, in accordance with the provisions of the Act eleventh and twelfth Victoria, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and of any Act or Acts amending the same; and the court of summary jurisdiction when hearing and determining an information in respect of any offence under this Act shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for the holding of petty sessions, or some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace;

In Scotland, in accordance with the provisions of the Summary Procedure Act, 1864, and of any Act or Acts amending the same; and

In Ireland, within the police district of Dublin metropolis in accordance with the provisions of the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland in accordance with the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act amending or affecting the same.

CAP. XXXV.

An Act to remit certain loans made by the Exchequer Loan Commissioners and the Public Works Loan Commissioners, and by the Irish Exchequer Loan Commissioners and the Commissioners of Public Works in Ireland. [24th July 1879.]

CAP. XXXVI.

An Act for the transfer of property held for the service of her Majesty's Customs to the Commissioners of her Majesty's Works and Public Buildings; and for other purposes. [11th August 1879.]

CAP. XXXVII.

An Act to amend the Commons Act, 1876. [11th August 1879.]

Whereas by section twenty-seven of the Commons Act, 1876, the surplus rents arising from recreation grounds shall be applied to all or any of the following purposes, and to no other purpose, that is to say, in improving the recreation grounds or any of them in the same parish or neighbourhood, or maintaining the drainage and fencing thereof, or in hiring or purchasing additional land for recreation grounds in the same parish or neighbourhood:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Commons Act, 1879.

2. *Application of surplus rents of recreation grounds.*—39 & 40 Viet. c. 56.] The improving the field gardens, or any of them, to which the twenty-seventh section of the Commons Act, 1876, applies, in the same parish or neighbourhood, or maintaining the drainage and fencing thereof, shall be one of the purposes to which the surplus rents arising from recreation grounds shall be applied.

CAP. XXXVIII.

An Act to amend the Slave Trade (East African Courts) Act, 1873. [11th August 1879.]

CAP. XXXIX.

An Act to amend the law with respect to Returns of Receipts and Expenditure as regards Highways, and to dispense with the verification before Justices of the accounts of Surveyors of Highways. [11th August 1879.]

Whereas by divers Acts provisions differing from each other are made respecting the transmission to the Local Government Board and the laying before Parliament of annual returns of the receipts and expenditure on account of highways in parishes, certain urban sanitary districts, and highway districts:

And whereas it is expedient that one return only in each case should be required, and that such return should be made and laid before Parliament in like manner as other returns under the Local Taxation Returns Acts, 1860 and 1877, subject to being dispensed with in like manner as such other returns:

And whereas by the Highways Act, 1835, the surveyor of highways of every parish is required, among other matters, to verify his accounts before justices at special sessions, and the said verification of accounts has been rendered unnecessary by the Highways and Locomotives Amendment Act, 1878, which requires the accounts of the surveyors of highways to be audited by the district auditor, and it is expedient to dispense with such verification.

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Highway Accounts Returns Act, 1879.

2. *Return of receipts and expenditure as regards highways.*—23 & 24 Viet. c. 51—40 & 41 Viet. c. 66.] The Local Taxation Returns Acts, 1860 and 1877, shall apply to returns of rates, receipts, and expenditure as regards highways in like manner as if they were specifically mentioned in the said Acts, and highway boards and surveyors of highways were mentioned as local authorities in those Acts, and the surveyor of highways were an officer keeping the accounts of the rates, receipts, and expenditure within the meaning of those Acts.

Provided that a return under the said Acts may be dispensed with upon the delivery to the auditor of a financial statement of the said receipts and expenditure in like manner as in any other case.

3. *Repeal and temporary provision.*] The Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Where in pursuance of any enactment hereby repealed the accounts of a surveyor of highways for a parish for the period ending on the twenty-fifth day of March one thousand eight hundred and seventy-nine have been verified, and a statement of the receipts and expenditure of such parish as regards highways for the said period has been transmitted to the Local Government Board, the Board may, if they think fit, dispense with the submission of a

financial statement and disburse wholly or partly with the audit by the district auditor of the accounts for the said period of such parish as regards highways.

SCHEDULE.
ACTS REPEALED.

Year and Chapter.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 50.	Highway Act, 1835	In section forty-five from and including the words "and at the said special sessions" to the end of the section.
12 & 13 Vict. c. 35.	An Act for requiring annual returns of the expenditure on highways in England and Wales to be transmitted to the Secretary of State and afterwards laid before Parliament.	The whole Act.
25 & 26 Vict. c. 61.	The Highway Act, 1862	Section twenty-seven, section twenty-eight, and section twenty-nine.

CAP. XL.

An Act to amend the Conveyancing and Land Transfer (Scotland) Act, 1874. [11th August 1879.]

CAP. XLI.

An Act to enable Guaranteed Railway Companies in India and the Secretary of State for India in Council to enter into Agreements with respect to the working of Railways, and with respect to Telegraphs, and to confer upon those Companies additional powers with respect to their undertakings. [11th August 1879.]

CAP. XLII.

An Act to amend the Acts relating to the Valuation of Lands and Heritages in Scotland. [11th August 1879.]

CAP. XLIII.

An Act to enable the Secretary of State in Council of India to create and issue Capital Stock in the United Kingdom in exchange for so much of the Annuity created under the East Indian Railway Company Purchase Act, 1879, and thereby made chargeable on the Revenues of India as may be purchased by the Secretary of State under that Act. [11th August 1879.]

CAP. XLIV.

An Act to make provision in regard to the office of Lord Clerk Register of Scotland, and for other purposes. [11th August 1879.]

CAP. XLV.

An Act to authorize the issue of a sum out of the Consolidated Fund by way of loan to the Secretary of State for India. [11th August 1879.]

CAP. XLVI.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [11th August 1879.]

CAP. XLVII.

An Act to continue and amend the Petroleum Act, 1871. [11th August 1879.]

Be it enacted, &c. :

1. *Short title, and construction of Act—34 & 35 Vict. c. 105.]* This Act may be cited as the Petroleum Act, 1879.

This Act shall be construed as one with the Petroleum Act, 1871, and together with that Act may be cited as the Petroleum Acts, 1871 and 1879.

2. *Alteration of test—34 & 35 Vict. c. 105.]* Whereas by the Petroleum Act, 1871, it is enacted that the term "petroleum to which this Act applies" means such of the petroleum defined by that Act as, when tested in manner set forth in Schedule One to that Act, gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer, and it is expedient to alter the said test: Be it therefore enacted that—

In the Petroleum Act, 1871, the term "petroleum to which this Act applies" shall mean such of the petroleum defined by section three of that Act as, when tested in manner set forth in Schedule One to this Act, gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

Every reference in the Petroleum Act, 1871, to Schedule One to that Act shall be construed to refer to Schedule One to this Act.

3. *Verification of test apparatus.]* A model of the apparatus for testing petroleum, as described in Schedule One to this Act, shall be deposited with the Board of Trade, and the Board of Trade shall, on payment of such fee, not exceeding five shillings, as they from time to time prescribe, cause to be compared with such model and verified every apparatus constructed in accordance with Schedule One to this Act which is submitted to them for the purpose, and if the same is found correct shall stamp the same with a mark approved of by the Board and notified in the *London Gazette*.

An apparatus for testing petroleum purporting to be stamped with the said mark shall, until the contrary is proved, be deemed to have been verified by the Board of Trade.

All fees under this section shall be paid into the Exchequer.

4. *Continuance of 34 & 35 Vict. c. 105.]* The Petroleum Act, 1871, shall continue in force until otherwise directed by Parliament.

5. *Commencement of Act.]* This Act shall come into operation on the thirty-first day of December one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

6. *Repeal of part of 34 & 35 Vict. c. 105.]* The Petroleum Act, 1871, shall be repealed after the commencement of this Act to the extent in the third column of the Second Schedule to this Act mentioned.

Provided that any sample of petroleum taken before the commencement of this Act shall be tested in manner set forth in Schedule One to the Petroleum Act, 1871, and any offence committed before the commencement of this Act shall be prosecuted, and any investigation, legal proceeding, or remedy in relation to such offence, or to any act done before the commencement of this Act, shall be instituted, carried on, and have effect as if the provisions of this Act, other than those continuing the Petroleum Act, 1871, had not been passed.

FIRST SCHEDULE.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR.

SPECIFICATION OF THE TEST APPARATUS.

The following is a description of the details of the apparatus:

The oil cup consists of a cylindrical vessel 2" diameter, 2½" height (internal), with outward projecting rim ⅛" wide, 3" from the top, and 1½" from the bottom of the cup. It is made of gun metal or brass (17 B.W.G.) tinned inside. A bracket, consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is 1½". The cup is provided with a close-fitting overlapping cover made of brass (22 B.W.G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout, the mouth of which is one-sixteenth

of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be $\frac{1}{4}$ " below the centre of the lid.

The cover is provided with three square holes, one in the centre, $\frac{1}{10}$ " by $\frac{1}{10}$ ", and two smaller ones, $\frac{3}{10}$ " by $\frac{1}{10}$ " close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in a slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of 3' diameter and $2\frac{1}{2}$ ' height, and an outer one of $5\frac{1}{2}$ ' diameter and $5\frac{1}{2}$ ' height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{4}$ "; that is, its diameter is about $\frac{3}{4}$ " greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface; of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and of the oil lamp is one half of an inch. A split socket similar to that on the cover of the oil cup, cut set at a right angle, allows the thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}$ ". One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1".

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way. It is fitted with a metal collar, fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}$ " measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It is a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{4}$ ".

NOTE.—A model apparatus is deposited at the Weights and Measures Department of the Board of Trade.

DIRECTIONS FOR APPLYING THE FLASHING TEST.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0.15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65° the samples to be tested should be cooled down (to about 60°) by immersing the bottles containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum, which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 68° the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air-chamber which surrounds the cup is filled with cold water, to a depth of $1\frac{1}{2}$ inches, and the heating vessel or water bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

SECOND SCHEDULE.

ACT REPEALED.

Year and Chapter.	Title.	Extent of Repeal.
34 & 35 Vict. c. 105	The Petroleum Act, 1871	Section three, from "and the term petroleum to which this Act applies" inclusive to the end of the section. Section eighteen.

CAP. XLVIII.

An Act to amend the Law respecting the Powers of School Boards in relation to Industrial Schools.

[11th August 1879.]

Whereas under the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, a school board have power, with the consent of one of her Majesty's Principal Secretaries of State, to establish, build, and maintain industrial schools, and to spread the payment of the expense of such establishment and building over a number

of years not exceeding fifty, and to borrow money for that purpose.

And whereas a school board, under the said Acts, have the same power as is given to a prison authority by section twelve of the Industrial Schools Act, 1866, to contribute money towards the alteration, enlargement, or rebuilding of an industrial school, or towards the establishment or building of an industrial school, or towards the purchase of land required for the use or for the site of an industrial school:

And whereas under the Reformatory and Industrial Schools Act Amendment Act, 1872, section twelve of the Industrial Schools Act, 1866, is extended to authorize the prison authority themselves to undertake anything towards which they are authorized by that section to contribute:

And whereas doubts have arisen whether a school board have power to undertake themselves anything towards which they are authorized as above mentioned to contribute or have power to spread the payment of the amount of any such contribution or of the cost of any such undertaking over a number of years, and to borrow money for that purpose, and it is expedient to remove such doubts:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Elementary Education (Industrial Schools) Act, 1879.

This Act and the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, may be cited together as the Elementary Education Acts, 1870 to 1879.

2. *Extension to school board of 29 & 30 Vict. c. 118—33 & 34 Vict. c. 75—36 & 37 Vict. c. 86—39 & 40 Vict. c. 75.*] A school board shall have power themselves to undertake any thing towards which they are authorized by the Industrial Schools Act, 1866, as applied by the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, or any of them, to contribute, subject nevertheless to the like consent as is required in the case of any such contribution.

3. *Power of school board to borrow for contribution towards, or undertaking cost of enlarging, &c., an industrial school.*] Where a school board resolve to contribute any sum of money towards, or to undertake the cost of the alteration, enlargement, or rebuilding, but not of the furnishing of an industrial school, or the establishment or building, but not of the furnishing of a school intended to be an industrial school, or the purchase of land required either for the use of an existing industrial school, or for the site of a school intended to be an industrial school, such school board, with the consent of one of Her Majesty's Principal Secretaries of State, shall have the same power of spreading the payment of the sums so contributed, or of the cost of such undertaking, over a number of years, and of borrowing money for that purpose, as they have in the case where they resolve to establish an industrial school; and the provisions of the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, and the Public Works Loans Act, 1875, shall apply accordingly.

For the purposes of this Act an industrial school means a certified industrial school and a certified day industrial school.

4. *Power of guardians to contribute to maintenance of child in industrial school.*] Where a child is ordered upon complaint made by a school attendance committee to be sent to a certified industrial school the council, guardians, or sanitary authority appointing such committee shall have, on the recommendation of the committee, the same power of contributing toward the maintenance of such child in the said school as if they were a school board, and the contribution by such guardians shall require the like consent as is required under section thirty-one of the Elementary Education Act, 1876, to any other expense incurred by a school attendance committee.

The expenses of any such contribution shall be paid in like manner as the expenses of the school attendance committee, on whose recommendation the contribution is made, are paid in pursuance of the Elementary Education Act, 1876.

CAP. XLIX.

An Act to amend the Law relating to the Summary Jurisdiction of Magistrates. [11th August 1879.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as the Summary Jurisdiction Act, 1879.

2. *Application of Act.*] This Act shall not extend to Scotland or Ireland.

3. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and eighty (which day is in this Act referred to as the commencement of this Act):

Provided that at any time after the passing of this Act any rules may be made, and any act or thing necessary or proper for bringing this Act into operation at the commencement thereof may be done, so that such rules, act, or thing take effect only upon the said commencement.

PART I.

Court of Summary Jurisdiction.

4. *Mitigation of punishment by court.*] Subject as in this Act mentioned, and notwithstanding any enactment to the contrary, where a court of summary jurisdiction has authority under this Act, or under any other Act, whether past or future, to impose imprisonment or to impose a fine for an offence punishable on summary conviction, that court may, in the case of imprisonment, impose the same without hard labour, and reduce the prescribed period thereof, or do either of such acts; and in the case of a fine, if it be imposed as in respect of a first offence, may reduce the prescribed amount thereof.

And where in the case either of imprisonment or a fine there is prescribed a requirement for the offender to enter into his recognizance and to find sureties for keeping the peace, and observing some other condition, or to do any of such things, the court may dispense with any such requirement or any part thereof.

And where a court of summary jurisdiction has authority under an Act of Parliament other than this Act, whether past or future, to impose imprisonment for an offence punishable on summary conviction, and has not authority to impose a fine for that offence, that court when adjudicating on such offence may, notwithstanding, if the court think that the justice of the case will be better met by a fine than by imprisonment, impose a fine not exceeding twenty-five pounds, and not being of such an amount as will subject the offender under the provisions of this Act, in default of payment of the fine, to any greater term of imprisonment than that to which he is liable under the Act authorizing the said imprisonment.

5. *Scale of imprisonment for non-payment of money.*] The period of imprisonment imposed by a court of summary jurisdiction under this Act, or under any other Act, whether past or future, in respect of the non-payment of any sum of money adjudged to be paid by a conviction, or in respect of the default of a sufficient distress to satisfy any such sum, shall, notwithstanding any enactment to the contrary in any past Act, be such period as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale; that is to say,

Where the amount of the sum or sums of money adjudged to be paid by a conviction as ascertained by the conviction.	The said period shall not exceed
Does not exceed ten shillings	Seven days.
Exceeds ten shillings but does not exceed one pound	Fourteen days.
Exceeds one pound but does not exceed five pounds	One month.
Exceeds five pounds but does not exceed twenty pounds	Two months.
Exceeds twenty pounds	Three months.

And such imprisonment shall be without hard labour, except where hard labour is authorized by the Act on which the conviction is founded, in which case the imprisonment may, if the court thinks the justice of the case requires it, be with hard labour, so that the term of hard labour awarded do not exceed the term authorized by the said Act.

6. *Sum recoverable by summary order to be recoverable as a civil debt.*] Where under any Act, whether past or future, a sum of money claimed to be due is recoverable on complaint to a court of summary jurisdiction, and not on information, such sum shall be deemed to be a civil debt, and if recovered before a court of summary jurisdiction shall be recovered in the manner in which a sum declared by this Act to be a civil debt recoverable summarily is recoverable

under this Act, and not otherwise; and the payment of any costs ordered to be paid by the complainant or defendant in the case of any such complaint shall be enforced in like manner as such civil debt, and not otherwise.

7. *Payment by instalments of or security taken for payment of money.*] A court of summary jurisdiction, by whose conviction or order any sum is adjudged to be paid, may do all or any of the following things; namely

- (1.) Allow time for the payment of the said sum; and
- (2.) Direct payment to be made of the said sum by instalments; and
- (3.) Direct that the person liable to pay the said sum shall be at liberty to give to the satisfaction of that court, or of such other court of summary jurisdiction, or such person as may be specified by that court, security with or without a surety or sureties for the payment of the said sum or of any instalment thereof, and such security may be given and enforced in manner provided by this Act.

Where a sum is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

A court of summary jurisdiction directing the payment of a sum or of an instalment of a sum may direct such payment to be made at such time or times, and in such place or places, and to such person or persons, as may be specified by the court; and every person to whom any such sum or instalment is paid, where not the clerk of the court of summary jurisdiction, shall as soon as may be account for and pay over the same to that clerk.

8. *Provision as to costs in the case of small fines.*] Where a fine adjudged by a conviction by a court of summary jurisdiction to be paid does not exceed five shillings, then, except so far as the court may think fit to expressly order otherwise, an order shall not be made for payment by the defendant to the informant of any costs; and the court shall, except so far as they think fit to expressly order otherwise, direct all fees payable or paid by the informant to be remitted or repaid to him; the court may also order the fine or any part thereof to be paid to the informant in or towards the payment of his costs.

9. *Enforcing of recognizances by court of summary jurisdiction.*] (1.) Where a recognizance is conditioned for the appearance of a person before a court of summary jurisdiction, or for his doing some other matter or thing to be done in, to, or before a court of summary jurisdiction, or in a proceeding in a court of summary jurisdiction, such court, if the said recognizance appears to the court to be forfeited, may declare the recognizance to be forfeited, and enforce payment of the sum due under such recognizance in the same manner as if the sum were a fine adjudged by such court to be paid which the statute provides no means of enforcing, and were ascertained by a conviction:

Provided that at any time before the sale of goods under a warrant of distress for the said sum, the said court of summary jurisdiction, or any other court of summary jurisdiction for the same county, borough, or place, may cancel or mitigate the forfeiture, upon the person liable applying, and giving security to the satisfaction of the court for the future performance of the condition of the recognizance, and paying or giving security for payment of the costs incurred in respect of the forfeiture, or upon such other conditions as the court may think just.

(2.) Where a recognizance conditioned to keep the peace or to be of good behaviour, or not to do or commit some act or thing, has been entered into by any person as principal or surety before a court of summary jurisdiction, that court or any other court of summary jurisdiction acting for the same county, borough, or place, upon proof of the conviction of the person bound as principal by such recognizance of any offence which is in law a breach of the condition of the same, may by conviction adjudge such recognizance to be forfeited, and adjudge the persons bound thereby, whether as principal or sureties, or any of such persons, to pay the sums for which they are respectively bound.

(3.) Except where a person seeking to put in force a recognizance to keep the peace or to be of good behaviour, by notice in writing, requires such recognizance to be transmitted to a court of general or quarter sessions, the recognizances to which this section applies shall be dealt with in

manner in this section mentioned, and, notwithstanding any enactment to the contrary, shall not be transmitted, nor shall the forfeiture thereof be certified, to general or quarter sessions.

(4.) All sums paid in respect of a recognizance declared or adjudged by a court of summary jurisdiction in pursuance of this section to be forfeited shall be paid to the clerk of the court, and shall be paid and applied by him in the manner in which fines imposed by such court, in respect of which fines no special appropriation is made, are payable and applicable.

10. *Summary trial of children for indictable offences, unless objected to by parent or guardian.*] (1.) Where a child is charged before a court of summary jurisdiction with any indictable offence other than homicide, the court, if they think it expedient so to do, and if the parent or guardian of the child so charged, when informed by the court of his right to have the child tried by a jury, does not object to the child being dealt with summarily, may deal summarily with the offence, and inflict the same description of punishment as might have been inflicted had the case been tried on indictment:

Provided that—

- (a.) A sentence of penal servitude shall not be passed, but imprisonment shall be substituted therefor; and
- (b.) Where imprisonment is awarded, the term shall not in any case exceed one month; and
- (c.) Where a fine is awarded, the amount shall not in any case exceed forty shillings; and
- (d.) When the child is a male the court may, either in addition to or instead of any other punishment, adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable, in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child.

(2.) For the purpose of a proceeding under this section, the court of summary jurisdiction, at any time during the hearing of the case at which they become satisfied by the evidence that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to the parent or guardian of the child, and then address a question to such parent or guardian to the following effect: "Do you desire the child to be tried by a jury, and object to the case being dealt with summarily?" with a statement, if the court think such statement desirable for the information of such parent or guardian, of the meaning of the case being dealt with summarily, and of the assizes or sessions (as the case may be) at which the child will be tried by a jury.

(3.) Where the parent or guardian of a child is not present when the child is charged with an indictable offence before a court of summary jurisdiction, the court may, if they think it just so to do, remand the child for the purpose of causing notice to be served on such parent or guardian, with a view so far as is practicable of securing his attendance at the hearing of the charge, or the court may, if they think it expedient so to do, deal with the case summarily.

(4.) This section shall not prejudice the right of a court of summary jurisdiction to send a child to a reformatory or industrial school.

(5.) This section shall not render punishable for an offence any child who is not, in the opinion of the court before whom he is charged, above the age of seven years and of sufficient capacity to commit crime.

11. *Summary trial with consent of young persons (juvenile offenders).*] (1.) Where a young person is charged before a court of summary jurisdiction with any indictable offence specified in the first column of the First Schedule to this Act, the court, if they think it expedient so to do, having regard to the character and antecedents of the person charged, the nature of the offence, and all the circumstances of the case, and if the young person charged with the offence, when informed by the court of his right to be tried by a jury, consents to be dealt with summarily, may deal summarily with the offence, and in their discretion adjudge such person, if found guilty of the offence, either to pay a fine not exceeding ten pounds, or to be imprisoned, with or without hard labour, for any term not exceeding three months; and if the young person is a male, and, in the opinion of the court, under the age of fourteen years, the court, if they think it expedient so to do, may, either in

substitution for or in addition to any other punishment under this Act, adjudge such young person to be, as soon as practicable, privately whipped with not more than twelve strokes of a birch rod by a constable, in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of such young person.

(2.) For the purpose of a proceeding under this section, the court, at any time during the hearing of the case at which they become satisfied by the evidence that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to the young person charged, and then address a question to him to the following effect: "Do you desire to be tried by a jury, or do you consent to the case being dealt with summarily?" with a statement, if the court think such statement desirable for the information of the young person to whom the question is addressed, of the meaning of the case being dealt with summarily, and of the assizes or sessions (as the case may be) at which he will be tried if tried by a jury.

(3.) This section shall not prejudice the right of a court of summary jurisdiction to send a young person to a reformatory or an industrial school.

12. *Summary trial with consent of adult.* [Where a person who is an adult is charged before a court of summary jurisdiction with any indictable offence specified in the second column of the First Schedule to this Act, the court, if they think it expedient so to do, having regard to the character and antecedents of the person charged, the nature of the offence, and all the circumstances of the case, and if the person charged with the offence, when informed by the court of his right to be tried by a jury, consents to be dealt with summarily, may deal summarily with the offence, and adjudge such person, if found guilty of the offence, to be imprisoned, with or without hard labour, for any term not exceeding three months, or to pay a fine not exceeding twenty pounds.

For the purpose of a proceeding under this section, the court, at any time during the hearing of the case at which they become satisfied by the evidence that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to the person charged, and then address a question to him to the following effect: "Do you desire to be tried by a jury, or do you consent to the case being dealt with summarily?" with a statement, if the court think such statement desirable for the information of the person to whom the question is addressed, of the meaning of the case being dealt with summarily, and of the assizes or sessions (as the case may be) at which he will be tried if tried by a jury.

13. *Summary conviction on plea of guilty of adult.* (1.) Where a person who is an adult is charged before a court of summary jurisdiction with an indictable offence which is specified in the first column of the First Schedule to this Act, and is not comprised in the second column of that schedule, and the court at any time during the hearing of the case become satisfied that the evidence is sufficient to put the person charged on his trial for the said offence, and further are satisfied (either after such a remand as is provided by this Act or otherwise) that the case is one which, having regard to the character and antecedents of the person charged, the nature of the offence, and all the circumstances of the case, may properly be dealt with summarily, and may be adequately punished by virtue of the powers of this Act, then the court shall cause the charge to be reduced into writing and read to the person charged, and shall then ask him whether he is guilty or not of the charge; and if such person says that he is guilty, the court shall thereupon cause a plea of guilty to be entered, and adjudge him to be imprisoned, with or without hard labour, for any term not exceeding six months.

(2.) The court, before asking, in pursuance of this section, the person charged whether he is guilty or not, shall explain to him that he is not obliged to plead or answer, and that if he pleads guilty he will be dealt with summarily, and that if he does not plead or answer, or pleads not guilty, he will be dealt with in the usual course; with a statement, if the court think such statement desirable for the information of the person to whom the question is addressed, of the meaning of the case being dealt with summarily or in the usual course, and of the assizes or sessions (as the case may be) at which such person will be tried if tried by a jury. The court shall further state to such person to the effect that he is not obliged to say anything unless he desires to do so,

but that whatever he says will be taken down in writing, and may be given in evidence against him upon his trial, and shall give him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatever he then says may be given in evidence against him upon his trial, notwithstanding such promise or threat.

(3.) If the prisoner does not plead guilty, whatever he says in answer shall be taken down in writing and read over to him, and signed by a justice constituting or forming part of the court, and kept with the depositions of the witnesses, and transmitted with them in manner required by law, and afterwards upon the trial of the prisoner may, if necessary, be given in evidence against him without further proof thereof, unless it is proved that the justice purporting to have signed the same did not in fact sign the same.

14. *Restriction on summary dealing with adult charged with indictable offence.* [Where a person who is an adult is charged before a court of summary jurisdiction with any indictable offence specified in the First Schedule to this Act, and it appears to the court that the offence is one which, owing to a previous conviction or indictment of the person so charged, is punishable by law with penal servitude, the court shall not deal with the case summarily in pursuance of this Act.

15. *Restriction on punishment of child for summary offence.* [A child on summary conviction for an offence punishable on summary conviction under this Act, or under any other Act, whether past or future, shall not be imprisoned for a longer period than one month, nor fined a larger sum than forty shillings.

16. *Power of court to discharge accused without punishment.* [If upon the hearing of a charge for an offence punishable on summary conviction under this Act, or under any other Act, whether past or future, the court of summary jurisdiction think that though the charge is proved the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment, or any other than a nominal punishment,—

(1.) The court, without proceeding to conviction, may dismiss the information, and, if the court think fit, may order the person charged to pay such damages, not exceeding forty shillings, and such costs of the proceedings, or either of them, as the court think reasonable; or,

(2.) The court upon convicting the person charged may discharge him conditionally on his giving security, with or without sureties, to appear for sentence when called upon, or to be of good behaviour, and either without payment of damages and costs, or subject to the payment of such damages and costs, or either of them, as the court think reasonable:

Provided that this section shall not apply to an adult convicted in pursuance of this Act of an offence of which he has pleaded guilty, and of which he could not, if he had not pleaded guilty, be convicted by a court of summary jurisdiction.

17. *Right to claim trial by jury in case of offences otherwise triable summarily.* (1.) A person when charged before a court of summary jurisdiction with an offence, in respect of the commission of which an offender is liable on summary conviction to be imprisoned for a term exceeding three months, and which is not an assault, may, on appearing before the court and before the charge is gone into but not afterwards, claim to be tried by a jury, and thereupon the court of summary jurisdiction shall deal with the case in all respects as if the accused were charged with an indictable offence and not with an offence punishable on summary conviction, and the offence shall as respects the person so charged be deemed to be an indictable offence, and, if the person so charged is committed for trial, or bailed to appear for trial, shall be prosecuted accordingly, and the expenses of the prosecution shall be payable as in cases of felony.

(2.) A court of summary jurisdiction, before the charge is gone into in respect of an offence to which this section applies, for the purpose of informing the defendant of his right to be tried by a jury in pursuance of this section, shall address him to the following effect: "You are charged with

an offence in respect of the commission of which you are entitled, if you desire it, instead of being dealt with summarily, to be tried by a jury; do you desire to be tried by a jury?" with a statement, if the court think such statement desirable for the information of the person to whom the question is addressed, of the meaning of being dealt with summarily, and of the assizes or sessions (as the case may be) at which such person will be tried if tried by a jury.

(3.) This section shall not apply to the case of a child unless the parent or guardian of the child is present; but the court shall ascertain whether the parent or guardian of the child is present, and if he is, shall address the above question to such parent or guardian, and the claim under this section may be made by such parent or guardian.

18. *Imprisonment in cases of cumulative sentences not to exceed six months.* A court of summary jurisdiction shall not, by cumulative sentences of imprisonment (other than for default of finding sureties) to take effect in succession in respect of several assaults committed on the same occasion, impose on any person imprisonment for the whole exceeding six months.

19. *Appeal from summary conviction to general or quarter sessions.* Where, in pursuance of any Act, whether past or future, any person is adjudged by a conviction or order of a court of summary jurisdiction to be imprisoned without the option of a fine, either as a punishment for an offence, or, save as hereinafter mentioned, for failing to do or to abstain from doing any act or thing required to be done or left undone, and such person is not otherwise authorized to appeal to a court of general or quarter sessions, and did not plead guilty, or admit the truth of the information or complaint, he may, notwithstanding anything in the said Act, appeal to a court of general or quarter sessions against such conviction or order:

Provided that this section shall not apply where the imprisonment is adjudged for failure to comply with an order for the payment of money, for the finding of sureties, for the entering into any recognizance, or for the giving of any security.

20. *Court of summary jurisdiction to sit at a petty sessional or occasional court-house, &c.* (1.) A case arising under this Act, or under any other Act, whether past or future, shall not be heard, tried, determined, or adjudged by a court of summary jurisdiction, except when sitting in open court.

(2.) Open court means a petty sessional court-house or an occasional court-house.

(3.) A petty sessional court-house means a court-house or other place at which justices are accustomed to assemble for holding special or petty sessions, or which is, for the time being, appointed as a substitute for such court-house or place; and where the justices are accustomed to assemble for either special or petty sessions at more than one court-house or place it is a petty sessional division, means any such court-house or place.

(4.) An occasional court-house means such police station or other place as is appointed (as hereinafter provided) to be used as an occasional court-house.

(5.) The justices of a petty sessional division of a county shall, from time to time, at a sessions of which notice has been given to every justice of such division, appoint police stations or other places other than the petty sessional court-house, to be used as occasional court-houses, at which cases may be heard, tried, determined, and adjudged, and they may from time to time at such a sessions as aforesaid vary any police station or place so appointed, and shall cause public notice to be given in such manner as they think expedient of every police station or place for the time being appointed to be used as an occasional court-house.

(6.) A court of summary jurisdiction consisting of two or more justices when sitting in a petty sessional court-house is in this Act referred to as a petty sessional court.

(7.) Where a case arising under this Act, or under any other Act, whether past or future, is heard, tried, determined, and adjudged by a court of summary jurisdiction sitting in an occasional court-house, the period of imprisonment imposed by the conviction or order of such court shall not exceed fourteen days, and the sum adjudged to be paid by the conviction or order of such court shall not exceed twenty shillings; and a justice of the peace when sitting alone in a petty sessional court-house shall not have power to impose

any greater term of imprisonment or adjudge any larger sum to be paid than is above mentioned.

(8.) An indictable offence dealt with summarily in pursuance of this Act shall not be heard, tried, determined, or adjudged except by a petty sessional court sitting on some day appointed for hearing indictable offences, of which public notice has been given in such manner as to the justices of the petty sessional division seem expedient, or at some adjournment of such court.

(9.) Any case arising under this Act, other than such indictable offence as aforesaid, and any case arising under any future Act which is triable by a court of summary jurisdiction, shall, unless it is otherwise prescribed, be heard, tried, determined, and adjudged by a court of summary jurisdiction consisting of two or more justices.

(10.) The Lord Mayor of the City of London, and any alderman of the said city, and any metropolitan or borough police magistrate or other stipendiary magistrate, when sitting in a court-house or place at which he is authorized by law to do alone any act authorized to be done by more than one justice of the peace, shall, for the purposes of this Act, be deemed to be a court of summary jurisdiction consisting of two or more justices, and also to be a court of summary jurisdiction sitting in a petty sessional court-house, and is in this Act included in the expression "petty sessional court."

(11.) A court of summary jurisdiction, when not a petty sessional court, may, without prejudice to any other power of adjournment which the court may possess, adjourn the hearing of any case to the next practicable sitting of a petty sessional court in the same manner in all respects as a justice is authorized to adjourn the hearing of a case under section sixteen of the Summary Jurisdiction Act, 1848.

21. *Special provisions as to warrants of commitment for non-payment of sums of money, and as to warrants of distress.*

(1.) A court of summary jurisdiction to whom application is made either to issue a warrant of distress for any sum adjudged to be paid by a conviction or order, or to issue a warrant for committing a person to prison for non-payment of a sum of money adjudged to be paid by a conviction, or in the case of a sum not a civil debt by an order, or for default of sufficient distress to satisfy any such sum, may, if the court deem it expedient so to do, postpone the issue of such warrant until such time and on such conditions, if any, as to the court may seem just.

(2.) The wearing apparel and bedding of a person and his family, and, to the value of five pounds, the tools and implements of his trade, shall not be taken under a distress issued by a court of summary jurisdiction.

(3.) Where a person is adjudged by the conviction of a court of summary jurisdiction, or in the case of a sum not a civil debt by an order of such court, to pay any sum of money, and on default of payment of such sum a warrant of distress is authorized to be issued, and it appears to the court of summary jurisdiction to whom application is made to issue such warrant that such person has no goods whereon to levy the distress, or that in the event of a warrant of distress being issued his goods will be insufficient to satisfy the money payable by him, or that the levy of the distress will be more injurious to him or his family than imprisonment, such court, instead of issuing such warrant of distress, may, if it think fit, order the said person on non-payment of the said sum to be imprisoned for any period not exceeding the period for which he is liable under such conviction or order to be imprisoned in default of sufficient distress.

(4.) Where on application to a court of summary jurisdiction to issue a warrant for committing a person to prison for non-payment of a sum adjudged to be paid by a conviction of any court of summary jurisdiction, or in the case of a sum not a civil debt by an order of such court, or for default of sufficient distress to satisfy any such sum, it appears to the court to whom the application is made that either by payment of part of the said sum, whether in the shape of instalments or otherwise, or by the net proceeds of the distress, the amount of the sum so adjudged has been reduced to such an extent that the unsatisfied balance, if it had constituted the original amount adjudged to be paid by the conviction or order, would have subjected the defendant to a maximum term of imprisonment less than the term of imprisonment to which he is liable under such conviction or order, the court shall, by its warrant of commitment, revoke the term of imprisonment, and order the defendant to be imprisoned for a term not exceeding such less maximum

term, instead of for the term originally mentioned in the conviction or order.

Supplemental Provisions.

22. *Register of court of summary jurisdiction.*] (1.) The clerk of every court of summary jurisdiction shall keep a register of the minutes or memorandums of all the convictions and orders of such court, and of such other proceedings as are directed by a rule under this Act to be registered, and shall keep the same with such particulars and in such form as may be from time to time directed by a rule under this Act.

(2.) Such register, and also any extract from such register certified by the clerk of the court keeping the same to be a true extract, shall be *prima facie* evidence of the matters entered therein for the purpose of informing a court of summary jurisdiction acting for the same county, borough, or place as the court whose convictions, orders, and proceedings are entered in the register; but nothing in this section shall dispense with the legal proof of a previous conviction for an offence when required to be proved against a person charged with another offence.

(3.) The register kept by any particular clerk, in pursuance of this section, may be distinguished by the name of his petty sessional division, or by such name or description as may be directed by a rule under this Act.

(4.) The entries relating to each minute, memorandum, or proceeding shall be either entered or signed by the justice or one of the justices constituting the court by or before whom the conviction or order or proceeding referred to in the minute or memorandum was made or had, except that when a court of summary jurisdiction is not a petty sessional court a return signed as aforesaid, and made and entered in the register in manner provided by a rule under this Act, shall suffice.

(5.) Every sum paid to the clerk of a court of summary jurisdiction in accordance with the Summary Jurisdiction Acts, and the appropriation of such sum, shall be entered and authenticated in such manner as may be from time to time directed by a rule under this Act.

(6.) Every such register shall be open for inspection without fee or reward, by any justice of the peace, or by any person authorized in that behalf by a justice of the peace or by a Secretary of State.

23. *Regulations as to securities taken in pursuance of Act.*

(1.) A person shall give security under this Act, whether as principal or surety, either by the deposit of money with the clerk of the court, or by an oral or written acknowledgment of the undertaking or condition by which and of the sum for which he is bound, in such manner and form as may be for the time being directed by any rule made in pursuance of this Act, and evidence of such security may be provided by entry thereof in the register under this Act of proceedings of a court of summary jurisdiction or otherwise as may be directed by such rule.

(2.) Any sum which may become due in pursuance of a security under this Act from a surety shall be recoverable summarily, in manner directed by this Act with respect to a civil debt, on complaint by a constable or by the clerk of the court directing such security to be given, or by some other person authorized for the purpose by that court or any other court of summary jurisdiction for the same county, borough, or place.

(3.) A court of summary jurisdiction may enforce payment of any sum due by a principal in pursuance of a security under this Act which appears to such court to be forfeited, in like manner as if that sum were adjudged by a court of summary jurisdiction to be paid as a fine which the statute provides no mode of enforcing, if the security was given for a sum adjudged by a conviction, and in any other case in like manner as if it were a sum adjudged by a court of summary jurisdiction to be paid as a civil debt; provided that before a warrant of distress for the sum is issued, such notice of the forfeiture shall be served on the said principal, and in such manner as may be directed for the time being by rules under this Act, and subject thereto by the court authorizing the security, or by any court to whom application is made for the issue of the warrant.

(4.) Any sum paid by a surety on behalf of his principal in respect of a security under this Act, together with all costs, charges, and expenses incurred by such surety in respect of that security, shall be deemed a civil debt due to him from the principal, and may be recovered before a court

of summary jurisdiction in manner directed by this Act with respect to the recovery of a civil debt which is recoverable summarily.

(5.) Where security is given under this Act for payment of a sum of money, the payment of such sum shall be enforced by means of such security in substitution for other means of enforcing such payment.

24. *Power of court of summary jurisdiction to remand for indictable offences.*] (1.) Where a person is charged before a court of summary jurisdiction with an indictable offence, with which a court of summary jurisdiction has or may have under the circumstances in this Act mentioned power to deal summarily, the court before whom such person is charged, without prejudice to any other power that it may possess,—

(a.) may, for the purpose of ascertaining whether it is expedient to deal with the case summarily, either before or during the hearing of the case, from time to time adjourn the case and remand the person accused; and

(b.) if such court is not at the time of the charge a petty sessional court, and the court think the case proper to be dealt with summarily, may adjourn the case and remand the person accused until the next practicable sitting of a petty sessional court.

(2.) A person may be remanded under this section in like manner in all respects as a person accused of an indictable offence may be remanded under section twenty-one of the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-two, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to persons charged with indictable offences," with this addition, that where he is remanded to the next practicable sitting of a petty sessional court he may be remanded for more than eight days.

25. *Procedure before court of summary jurisdiction in case of sureties to keep the peace.*] The power of a court of summary jurisdiction, upon complaint of any person, to adjudge a person to enter into a recognizance and find sureties to keep the peace or to be of good behaviour towards such first-mentioned person, shall be exercised by an order upon complaint, and the Summary Jurisdiction Acts shall apply accordingly, and the complainant and defendant and witnesses may be called and examined and cross-examined, and the complainant and defendant shall be subject to costs, as in the case of any other complaint.

The court may order the defendant, in default of compliance with the order, to be imprisoned for a period not exceeding, if the court be a petty sessional court, six months, and if the court be a court of summary jurisdiction other than a petty sessional court, fourteen days.

26. *Power of petty sessional court with respect to varying order for sureties.*] Where a person has been committed to prison by a court of summary jurisdiction for default in finding sureties, any petty sessional court for the same county, borough, or place may, on application made to them in manner directed by a rule made in pursuance of this Act, by him or some one acting on his behalf, inquire into the case of the person so committed, and if upon new evidence produced to such court or proof of a change of circumstances the court think, having regard to all the circumstances of the case, that it is just so to do, they may reduce the amount for which it is proposed the sureties or surety should be bound, or dispense with the sureties or surety, or otherwise deal with the case as the court may think just.

27. *Regulations as to indictable offences dealt with summarily.*] Where an indictable offence is under the circumstances in this Act mentioned authorized to be dealt with summarily,—

(1.) The procedure shall, until the court assume the power to deal with such offence summarily, be the same in all respects as if the offence were to be dealt with throughout as an indictable offence, but when and so soon as the court assume the power to deal with such offence summarily, the procedure shall be the same from and after that period as if the offence were an offence punishable on summary conviction and not on indictment, and the provisions of the Acts relating to offences

- punishable on summary conviction shall apply accordingly; and
- (2.) The evidence of any witness taken before the court assumed the said power need not be taken again, but every such witness shall, if the defendant so require it, be recalled for the purpose of cross-examination; and
 - (3.) The conviction for any such offence shall be of the same effect as a conviction for the offence on indictment, and the court may make the like order for the restitution of property as might have been made by the court before whom the person convicted would have been tried if he had been tried on indictment; and
 - (4.) Where the court have assumed the power to deal with the case summarily, and dismiss the information, they shall, if required, deliver to the person charged a copy certified under their hands of the order of such dismissal, and such dismissal shall be of the same effect as an acquittal on a trial on indictment for the offence; and
 - (5.) The conviction shall contain a statement either as to the plea of guilty of an adult, or in the case of a child as to the consent or otherwise of his parent or guardian, and in the case of any other person of the consent of such person, to be tried by a court of summary jurisdiction; and
 - (6.) The order of dismissal shall be transmitted to and filed by the clerk of the peace in like manner as the conviction is required by the Summary Jurisdiction Act, 1848, to be transmitted and filed, and together with the order of dismissal or the conviction, as the case may be, there shall be transmitted to and filed by such clerk in each case the written charge, the depositions of the witnesses, and the statement, if any, of the accused.

28. *Cost of prosecution of indictable offences dealt with summarily.* [Where an indictable offence (the expenses of the prosecution of which would otherwise have been payable out of the local rate) is dealt with summarily in pursuance of this Act by a court of summary jurisdiction, the expenses of the prosecution of such offence shall be payable in manner provided by this section.]

The court dealing summarily with any such indictable offence may, if it seem fit, grant to any person who preferred the charge, or appeared to prosecute or give evidence, a certificate of the amount of the compensation which the court may deem reasonable for his expenses, trouble, and loss of time therein, subject, nevertheless, to such regulations as may be from time to time made by a Secretary of State with respect to the payment of costs in the case of indictable offences; and the amount named in the certificate may include the fees payable to the clerk of the court of summary jurisdiction, and the fees payable to the clerk of the peace for filing the conviction, depositions and other documents required to be filed by him under this Act, and such other expenses as are by law payable when incurred before a commitment for trial; and every certificate so granted shall have the effect of an order of court for the payment of the expenses of a prosecution for felony, made in pursuance of the Act of the seventh year of King George the Fourth, chapter sixty-four, intituled "An Act for improving the administration of criminal justice in England," and the Acts amending the same, and the amount named in such certificate shall be paid in like manner as the expenses specified in such order would have been paid.

29. *Power of the Lord Chancellor to make rules.* (1.) The Lord High Chancellor of Great Britain may from time to time make, and when made, rescind, alter, and add to, rules in relation to the following matters, or any of them; that is to say,

- (a.) The giving security under this Act; and
- (b.) The forms to be used under the Summary Jurisdiction Acts, or any of them, including the forms of any recognizance mentioned in this Act; and
- (c.) The costs and charges payable under distress warrants issued by a court of summary jurisdiction; and
- (d.) Adapting to the provisions of this Act and of the Summary Jurisdiction Act, 1848, the procedure before courts of summary jurisdiction under any

Act passed before the Summary Jurisdiction Act, 1848; and

- (e.) Regulating the form of the account to be rendered by clerks of courts of summary jurisdiction of fines, fees, and other sums received by them, and providing for the discontinuance of any existing account rendered unnecessary by the aforesaid account; and
 - (f.) Any other matter in relation to which rules are authorized or required to be made under or for the purpose of carrying into effect this Act.
- (2.) The Lord Chancellor may, in the exercise of the power given him by this section, annul, alter, or add to any forms contained in the Summary Jurisdiction Act, 1848, or any forms relating to summary proceedings contained in any other Act.
- (3.) Any rule purporting to be made in pursuance of this section shall be laid before both Houses of Parliament as soon as may be after it is made, if Parliament be then sitting, or if not then sitting, within one month after the commencement of the then next session of Parliament, and shall be judicially noticed.

30. *Power to provide petty sessional court-house.* [Where the justices in general or quarter sessions assembled or the council of any borough have authority to hire or otherwise provide a fit and proper place for holding petty sessions of the peace, such justices or council shall have power to provide a petty sessional court-house within the meaning of this Act, by the purchase or other acquisition of land and the erection of a proper building thereon; and all enactments relating to the provision of such place and to the raising of the money for defraying the expense of the provision of such place shall apply accordingly.]

PART II.

Amendment of Procedure.

31. *Procedure on appeal to general or quarter sessions.* [Where any person is authorized by this Act or by any future Act to appeal from the conviction or order of a court of summary jurisdiction to a court of general or quarter sessions, he may appeal to such court, subject to the conditions and regulations following:

- (1.) The appeal shall be made to the prescribed court of general or quarter sessions, or if no court is prescribed, to the next practicable court of general or quarter sessions, having jurisdiction in the county, borough, or place for which the said court of summary jurisdiction acted, and holden not less than fifteen days after the day on which the decision was given upon which the conviction or order was founded; and
- (2.) The appellant shall, within the prescribed time, or if no time is prescribed within seven days after the day on which the said decision of the court was given, give notice of appeal by serving on the other party and on the clerk of the said court of summary jurisdiction notice in writing of his intention to appeal and of the general grounds of such appeal; and
- (3.) The appellant shall, within the prescribed time, or if no time is prescribed within three days after the day of which he gave notice of appeal, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as that court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court of appeal thereon, and to pay such costs as may be awarded by the court of appeal; or the appellant may, if the court of summary jurisdiction before whom the appellant appears to enter into a recognizance think it expedient, instead of entering into a recognizance, give such other security, by deposit of money with the clerk of the court of summary jurisdiction or otherwise, as that court deem sufficient; and
- (4.) Where the appellant is in custody, the court of summary jurisdiction before whom the appellant appears to enter into a recognizance may, if the court think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and
- (5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm

reverse, or modify the decision of the court of summary jurisdiction or remit the matter, with the opinion of the court of appeal thereon, to a court of summary jurisdiction acting for the same county, borough, or place as the court by whom the conviction or order appealed against was made, or may make such other order in the matter as the court of appeal may think just, and may by such order exercise any power which the court of summary jurisdiction might have exercised, and such order shall have the same effect, and may be enforced in the same manner, as if it had been made by the court of summary jurisdiction. The court of appeal may also make such order as to costs to be paid by either party as the court may think just; and

(6.) Whenever a decision is not confirmed by the court of appeal, the clerk of the peace shall send to the clerk of the court of summary jurisdiction from whose decision the appeal was made, for entry in his register, and also indorse on the conviction or order appealed against a memorandum of the decision of the court of appeal, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence of the said decision in every case where such copy or certificate would be sufficient evidence of such conviction or order; and

(7.) Every notice in writing required by this section to be given by an appellant shall be in writing signed by him, or by his agent on his behalf, and may be transmitted as a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of the post.

32. *Application of provisions respecting appeals to quarter sessions to appeals under prior Acts.* Where a person is authorized by any past Act to appeal from the conviction or order of a court of summary jurisdiction to a court of general or quarter sessions, he may appeal to such court, subject to the conditions and regulations contained in this Act with respect to an appeal to a court of general or quarter sessions:

Provided that where any such appeal is in accordance with the conditions and regulations prescribed by the Act authorizing the appeal, so far as the same is unrepealed, such appeal shall not be deemed invalid by reason only that it is not in accordance with the conditions and regulations contained in this Act.

Where any past Act, so far as unrepealed, prescribes that any appeal from the conviction or order of a court of summary jurisdiction shall be made to the next court of general or quarter sessions, such appeal may be made to the next practicable court of general or quarter sessions having jurisdiction in the county, borough, or place for which the court of summary jurisdiction acted, and held not less than fifteen days after the day on which the decision was given upon which the conviction or order appealed against was founded.

33. *Appeal from court of summary jurisdiction by special case.* (1.) Any person aggrieved who desires to question a conviction, order, determination, or other proceeding of a court of summary jurisdiction, on the ground that it is erroneous in point of law, or is in excess of jurisdiction, may apply to the court to state a special case setting forth the facts of the case and the grounds on which the proceeding is questioned, and if the court decline to state the case, may apply to the High Court of Justice for an order requiring the case to be stated.

(2.) The application shall be made and the case stated within such time and in such manner as may be from time to time directed by rules under this Act, and the case shall be heard and determined in manner prescribed by rules of court made in pursuance of the Supreme Court of Judicature Act, 1875, and the Acts amending the same; and subject as aforesaid, the Act of the session of the twentieth and twenty-first years of the reign of her present Majesty, chapter forty-three, intituled "An Act to improve the administration of the law so far as respects summary proceedings before justices of the peace," shall, so far as it is applicable, apply to any special case stated under this section, as if it were stated under that Act:

Provided that nothing in this section shall prejudice the statement of any special case under that Act.

34. *Summary orders.* (1.) Where a power is given by any future Act to a court of summary jurisdiction of requiring any person to do or abstain from doing any act or thing other than the payment of money, or of requiring any act or thing to be done or left undone other than the payment of money, and no mode is prescribed of enforcing such requisition, the court may exercise such power by an order or orders, and may annex to any such order any conditions as to time or mode of action which the court may think just, and may suspend or rescind any such order on such undertaking being given or condition being performed as the court may think just, and generally may make such arrangement for carrying into effect such power as to the court seems meet.

(2.) A person making default in complying with an order of a court of summary jurisdiction in relation to any matter arising under any future Act other than the payment of money, shall be punished in the prescribed manner, or if no punishment is prescribed, may in the discretion of the court be ordered to pay a sum (to be enforced as a civil debt recoverable summarily under this Act) not exceeding one pound for every day during which he is in default, or to be imprisoned until he has remedied his default:

Provided that a person shall not, for non-compliance with the requisition of a court of summary jurisdiction, whether made by one or more orders, to do or abstain from doing any act or thing, be liable under this section to imprisonment for a period or periods amounting in the aggregate to more than two months, or to the payment of any sums exceeding in the aggregate twenty pounds.

35. *Recovery of civil debts in court of summary jurisdiction.* Any sum declared by this Act, or by any future Act, to be a civil debt, which is recoverable summarily, or in respect of the recovery of which jurisdiction is given by such Act to a court of summary jurisdiction, shall be deemed to be a sum for payment of which a court of summary jurisdiction has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Acts: Provided as follows:

(1.) A warrant shall not be issued for apprehending any person for failing to appear to answer any such complaint; and

(2.) An order made by a court of summary jurisdiction for the payment of any such civil debt as aforesaid or of any instalment thereof, or for the payment of any costs in the matter of any such complaint, whether ordered to be paid by the complainant or defendant, shall not, in default of distress or otherwise, be enforced by imprisonment, unless it be proved to the satisfaction of such court or of any other court of summary jurisdiction for the same county, borough, or place, that the person making default in payment of such civil debt, instalment, or costs either has, or has had since the date of the order, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same, and in any such case the court shall have the same power of imprisonment as a county court would for the time being have under the Debtors Act, 1869, for default of payment if such debt had been recovered in that court, but shall not have any greater power.

Proof of the means of the person making default may be given in such manner as the court to whom application is made for the commitment to prison think just, and for the purposes of such proof the person making default and any witnesses may be summoned and examined on oath according to the rules for the time being in force under this Act in relation to the summoning and examination of witnesses, or if no such rules are in force, to the rules for the like purpose made in pursuance of the Employers and Workmen Act, 1875.

36. *Summons of witness when out of the jurisdiction of a court of summary jurisdiction.* Where a court of summary jurisdiction for any county, borough, or place would have power to issue a summons to a witness, if such witness were within the said county, borough, or place, and such witness is believed to be within some other county, borough, or place in England, such court may issue a

summons to such witness in like manner as if such witness were within the jurisdiction of such court; and any court of summary jurisdiction for the county, borough, or place in which the witness may be, or be believed to be, may, on proof on oath, or such solemn declaration as provided by this Act, of the signature to the summons, indorse the summons, and the witness, on service of the summons so indorsed and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and in default shall be liable to be apprehended or otherwise proceeded against either in the county, borough, or place in which the summons was issued, or in that in which the witness may happen to be, in manner directed by the Summary Jurisdiction Act, 1848, as if such witness had been duly summoned by a court of summary jurisdiction for the county, borough, or place in which such witness is apprehended or proceeded against.

37. *Summons or warrant not avoided by death of justice, &c.*] A warrant or summons issued by a justice of the peace under the Summary Jurisdiction Act, 1848, or any other Act, whether past or future, or otherwise, shall not be avoided by reason of the justice who signed the same dying or ceasing to hold office.

38. *Bail of person arrested without a warrant.*] A person taken into custody for an offence without a warrant shall be brought before a court of summary jurisdiction as soon as practicable after he is so taken into custody, and if it is not or will not be practicable to bring him before a court of summary jurisdiction within twenty-four hours after he is so taken into custody, a superintendent or inspector of police, or other officer of police of equal or superior rank, or in charge of any police station, shall inquire into the case, and, except where the offence appears to such superintendent, inspector, or officer to be of a serious nature, shall discharge the prisoner, upon his entering into a recognizance, with or without sureties, for a reasonable amount, to appear before some court of summary jurisdiction at the day, time, and place named in the recognizance.

39. *Provisions as to proceedings, &c.*] The following enactments shall apply to proceedings before courts of summary jurisdiction; (that is to say.)

1. The description of any offence in the words of the Act, or any order, bye-law, regulation, or other document creating the offence, or in similar words, shall be sufficient in law; and
2. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence in the Act, order, bye-law, regulation or other document creating the offence, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant; and
3. A warrant of commitment shall not be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted or ordered to do or abstain from doing any act or thing required to be done or left undone, and there is a good and valid conviction or order to sustain the same; and
4. A warrant of distress shall not be deemed void by reason only of any defect therein, if it be therein alleged that a conviction or order has been made, and there is a good and valid conviction or order to sustain the same, and a person acting under a warrant of distress shall not be deemed a trespasser from the beginning by reason only of any defect in the warrant, or of any irregularity in the execution of the warrant, but this enactment shall not prejudice the right of any person to satisfaction for any special damage caused by any defect in or irregularity in the execution of a warrant of distress, so however that if amends are tendered before action brought, and if the action is brought are paid into court in the action, and the plaintiff does not recover more than the sum so tendered and paid into court, the plaintiff shall not be entitled to any costs incurred after such tender, and the defendant shall

be entitled to costs, to be taxed as between solicitor and client; and

5. All forfeitures not pecuniary which are incurred in respect of an offence triable by a court of summary jurisdiction, or which may be enforced by a court of summary jurisdiction, may be sold or disposed of in such manner as the court having cognizance of the case or any other court of summary jurisdiction for the same county, borough, or place may direct, and the proceeds of such sale shall be applied in the like manner as if the proceeds were a fine imposed under the Act on which the proceeding for the forfeiture is founded.

40. *Case from quarter sessions without certiorari.*] A writ of certiorari or other writ shall not be required for the removal of any conviction, order, or other determination, in relation to which a special case is stated by a court of general or quarter sessions for obtaining the judgment or determination of a superior court.

41. *Proof by declaration of service of process, handwriting, &c.*] In a proceeding within the jurisdiction of a court of summary jurisdiction, without prejudice to any other mode of proof, service on a person of any summons, notice, process, or document required or authorized to be served, and the handwriting and seal of any justice of the peace or other officer or person on any warrant, summons, notice, process, or document, may be proved by a solemn declaration taken before a justice of the peace, or before a commissioner to administer oaths in the Supreme Court of Judicature, or before a clerk of the peace or a registrar of a county court; and any declaration purporting to be so taken shall, until the contrary is shown, be sufficient proof of the statements contained therein, and shall be received in evidence in any court or legal proceeding, without proof of the signature or of the official character of the person or persons taking or signing the same; and the fee, if any, for taking such declaration shall be such sum, not exceeding one shilling, as may be directed by rules made in pursuance of this Act, and any such fee shall be costs in the matter or proceeding to which it relates.

The declaration may be in the form provided by a rule under this Act, and if any declaration made under this section is untrue in any material particular, the person wilfully making such false declaration shall be guilty of wilful and corrupt perjury.

42. *Recognizances taken out of court.*] When a court of summary jurisdiction has fixed, as respects any recognizances, the amount in which the principal and the sureties (if any) are to be bound, the recognizance, notwithstanding anything in this or any other Act, need not be entered into before such court, but may, subject to any rules made in pursuance of this Act, be entered into by the parties before any other court of summary jurisdiction or before any clerk of a court of summary jurisdiction, or before a superintendent or inspector of police or other officer of police of equal or superior rank or in charge of any police station, or where any of the parties is in prison, before the governor or other keeper of such prison; and thereupon all the consequences of law shall ensue, and the provisions of this Act with respect to recognizances taken before a court of summary jurisdiction shall apply as if the recognizance had been entered into before the said court as heretofore by law required.

43. *Procedure on the execution of distress warrants.*] The following regulations shall be enacted with respect to warrants of distress issued by a court of summary jurisdiction:

- (1.) A warrant of distress shall be executed by or under the direction of a constable; and
- (2.) Save so far as the person against whom the distress is levied otherwise consents in writing, the distress shall be sold by public auction, and five clear days at the least shall intervene between the making of the distress and the sale, and where written consent is so given as aforesaid, the sale may be made in accordance with such consent; and
- (3.) Subject as aforesaid, the distress shall be sold within the period fixed by the warrant, and if no period is so fixed then within the period of fourteen days from the date of the making of the distress, unless the sum for which the warrant was issued, and

also the charges of taking and keeping the said distress, are sooner paid; and

- (4.) Subject to any directions to the contrary given by the warrant of distress, where the distress is levied on household goods the goods shall not, except with the consent in writing of the person against whom the distress is levied, be removed from the house until the day of sale, but so much of the goods shall be impounded as are in the opinion of the person executing the warrant sufficient to satisfy the distress, by affixing to the articles impounded a conspicuous mark; and any person removing any goods so marked, or defacing or removing the said mark, shall on summary conviction be liable to a fine not exceeding five pounds; and
- (5.) Where a person charged with the execution of a warrant of distress wilfully retains from the produce of any goods sold to satisfy the distress, or otherwise exacts, any greater costs and charges than those to which he is for the time being entitled by law, or makes any improper charge, he shall be liable on summary conviction to a fine not exceeding five pounds; and
- (6.) A written account of the costs and charges incurred in respect of the execution of any warrant of distress shall be sent by the constable charged with the execution of the warrant as soon as practicable to the clerk of the court of summary jurisdiction issuing the warrant; and it shall be lawful for the person upon whose goods the distress was levied, within one month after the levy of the distress, to inspect such account without fee or reward at any reasonable time to be appointed by the court, and to take a copy of such account; and
- (7.) A constable charged with the execution of a warrant of distress shall cause the distress to be sold, and may deduct out of the amount realized by such sale all costs and charges actually incurred in effecting such sale, and shall render to the owner the overplus, if any, after retaining the amount of the sum for which the warrant was issued and the proper costs and charges of the execution of the warrant; and
- (8.) Where a person pays or tenders to the constable charged with the execution of a warrant of distress the sum mentioned in such warrant, or produces the receipt for the same of the clerk of the court of summary jurisdiction issuing the warrant, and also pays the amount of the costs and charges of such distress up to the time of such payment or tender, the constable shall not execute the warrant.

44. *Return by order of court of property taken from prisoner.* Where any property has been taken from a person charged before a court of summary jurisdiction with any offence punishable either on indictment or on summary conviction, a report shall be made by the police to such court of summary jurisdiction of the fact of such property having been taken from the person charged and of the particulars of such property, and the court shall, if of opinion that the property or any portion thereof can be returned consistently with the interests of justice and with the safe custody of the person charged, direct such property, or any portion thereof, to be returned to the person charged or to such other person as he may direct,

45. *Local jurisdiction of court under this Act.* Where a person is charged with an indictable offence mentioned in the First Schedule to this Act before a court of summary jurisdiction for any county, borough, or place, and the court have jurisdiction to commit such person for trial in such county, borough, or place, although the offence was not committed therein, such court shall also have jurisdiction to deal with the offence summarily in pursuance of this Act.

46. *General provisions as to local jurisdiction of courts of summary jurisdiction.* For the purposes of the trial of any offence punishable on summary conviction under this Act or under any other Act, whether past or future, the following provisions shall have effect—

(1.) Where the offence is committed in any harbour, river, arm of the sea, or other water, tidal or other, which runs between or forms the boundary of the jurisdiction of two or more courts of summary jurisdiction, such offence may be tried by any one of such courts.

(2.) Where the offence is committed on the boundary of

the jurisdiction of two or more courts of summary jurisdiction, or within the distance of five hundred yards of any such boundary, or is begun within the jurisdiction of one court and completed within the jurisdiction of another court of summary jurisdiction, such offence may be tried by any one of such courts.

(3.) Where the offence is committed on any person or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried by any court of summary jurisdiction through whose jurisdiction such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the highway, road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of the jurisdiction of two or more courts of summary jurisdiction, a person may be tried for such offence by any one of such courts.

(4.) Any offence which is authorized by this section to be tried by any court of summary jurisdiction may be dealt with, heard, tried, determined, adjudged, and punished as if the offence had been wholly committed within the jurisdiction of such court.

PART III.

DEFINITIONS, SAVINGS, AND REPEAL OF ACTS.

Special Definitions.

47. *Application of Act to sums leviable by distress or payable under order.* The provisions of this Act with respect to a sum adjudged to be paid by an order shall apply, so far as circumstances admit, to a sum in respect of which a court of summary jurisdiction can issue a warrant of distress without an information or complaint under the Summary Jurisdiction Act, 1848, in like manner as if the said sum were a civil debt; and the provisions of this Act with respect to the hearing, trying, determining, and adjudging of a case by a court of summary jurisdiction when sitting in open court shall apply to the hearing, trying, determining, and adjudging by a court of summary jurisdiction of an application for the issue of any such warrant.

The provisions of this Act with respect to the period of imprisonment to be imposed in respect of the non-payment of a sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum, shall apply to the period of imprisonment to be imposed in respect of the non-payment of any sum of money adjudged to be paid by an order of a court of summary jurisdiction or in respect of the default of a sufficient distress to satisfy any such sum, where such sum is not a civil debt nor enforceable as a civil debt.

48. *As to clerk of court of summary jurisdiction.* Anything required by this Act to be done by, to, or before a clerk of a court of summary jurisdiction shall be done by, to, or before the salaried clerk to a petty sessional division under section five of the Justices Clerks Act, 1877, and where there is more than one such clerk, by either of such clerks or by such of those clerks as a court of summary jurisdiction for such division from time to time direct; and if any other person acts as the clerk to a court of summary jurisdiction acting in and for such division, such person, subject to any rules made under this Act, shall be deemed for the purposes of this Act to have acted as the deputy of such salaried clerk, and shall make a return to the said salaried clerk of all matters done by such court and of all matters which the clerk of the court is required to enter in a register or otherwise to record:

Provided, that nothing in this section shall apply where the court of summary jurisdiction is a court to whose clerk section five of the Justices Clerks Act, 1877, does not apply; that is to say, the justices of a borough, or a metropolitan police-court, or any stipendiary or other magistrate the salary of whose clerk is regulated under any Act of Parliament, other than the Justices Clerks Act, 1877, and the principal Act therein mentioned.

49. *Special definitions for purposes of the Act.* In this Act, if not inconsistent with the context, the following expressions have the meanings hereinafter respectively assigned to them; that is to say,

The expression "Secretary of State," means one of her Majesty's Principal Secretaries of State:

The expression "child" means a person who in the opinion of the court before whom he is brought is under the age of twelve years:

The expression "young person" means a person who in the opinion of the court before whom he is brought is of the age of twelve years and under the age of sixteen years:

The expression "adult" means a person who in the opinion of the court before whom he is brought is of the age of sixteen years or upwards:

The expression "person" includes a child, young person, and adult, and also includes a body corporate:

The expression "guardian," in relation to a child, includes any person who, in the opinion of the court having cognizance of any case in which a child is concerned, has for the time being the charge of or control over such child:

The expression "prescribed" means prescribed or provided by any Act which relates to any offences, penalties, fines, costs, sums of money, orders, proceedings, or matters, to the punishment, recovery, making, or conduct of which the Summary Jurisdiction Acts expressly or impliedly apply or may be applied:

The expression "past Act" means any Act passed before the commencement of this Act, exclusive of this Act:

The expression "future Act" means any Act passed after the commencement of this Act:

The expression "fine" includes any pecuniary penalty or pecuniary forfeiture or pecuniary compensation payable under a conviction:

The expression "county" includes any county, riding, division, parts, or liberty of a county having a separate court of quarter sessions:

The expression "borough" means a borough subject to the provisions of the Municipal Corporations Act, 1835, and the Acts amending the same:

The expression "local rate" means as respects any county, borough, or place, any county rate, borough rate, or other local rate out of which the costs of the prosecution of any felony committed within such county, borough, or place are payable:

The expressions "sum adjudged to be paid by a conviction" and "sum adjudged to be paid by an order" respectively include any costs adjudged to be paid by the conviction or order, as the case may be, of which the amount is ascertained by such conviction or order.

General Definitions.

50. *General definitions applicable to this and future Acts.* In this Act and any future Act, if not inconsistent with the context, the following expressions shall have the meanings hereinafter respectively assigned to them; that is to say,

The expression "The Summary Jurisdiction Act, 1848," shall mean the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intitled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders":

The expression "The Summary Jurisdiction Acts" and the expression "The Summary Jurisdiction (English) Acts" shall respectively mean the Summary Jurisdiction Act, 1848, and this Act and any Act, past or future, amending the Summary Jurisdiction Act, 1848, or this Act:

The expression "court of summary jurisdiction" shall mean—

Any justice or justices of the peace or other magistrate, by whatever name called, to whom jurisdiction is given by or who is or are authorized to act under the Summary Jurisdiction Acts or any of such Acts:

In any future Act, if not inconsistent with the context—

The expression "petty sessional court" shall have the same meaning as it has in this Act:

The expression "occasional court-house" shall mean such police station or other place as is for the time being appointed in pursuance of this Act to be used as an occasional court-house.

Application of Acts.

51. *Application of Summary Jurisdiction Acts to future Acts.* The following regulations shall be made for

purpose of facilitating the application of the Summary Jurisdiction Acts to any future Act; that is to say,

(1.) Where in any future Act, any offence is directed or authorized to be prosecuted summarily or on summary conviction, or any fine is directed or authorized to be recovered summarily or on summary conviction, or any other words are used implying that such offence is to be prosecuted or fine is to be recovered in manner provided by the Summary Jurisdiction Acts, the Summary Jurisdiction Acts shall apply accordingly; and

(2.) Where in any future Act any sum of money is directed or authorized to be recovered before a court of summary jurisdiction, or on complaint made to a court of summary jurisdiction, or words are used (whether by authorizing the sum to be recovered summarily or in a summary manner or otherwise) which imply that such sum of money is to be recovered before a court of summary jurisdiction or in manner provided by the Summary Jurisdiction Acts, the Summary Jurisdiction Acts shall apply accordingly; and

(3.) Where in any future Act a court of summary jurisdiction is authorized to order or require a person to do or abstain from doing any act or thing other than the payment of a sum of money; or where in pursuance of any such Act any act or thing other than the payment of a sum of money is required or authorized by an order of a court of summary jurisdiction to be done, or is declared capable of being enforced summarily, or by summary order; or where in any such Act any words are used implying that such act or thing is to be enforced in manner provided by the Summary Jurisdiction Acts, the Summary Jurisdiction Acts shall apply accordingly.

Savings and Construction.

52. *Saving for Army, Navy, Marine, and Militia Acts.*

The provisions of this Act which enable a court of summary jurisdiction, notwithstanding any enactment to the contrary, to impose imprisonment without hard labour, and reduce the prescribed period thereof, or do either of such acts, and in the case of a fine, if it be imposed as in respect of a first offence, to reduce the prescribed amount thereof, and in the case of imprisonment, to impose a fine in lieu of imprisonment, shall not apply to any proceedings taken under any Act relating to any of her Majesty's regular or auxiliary forces.

53. *Application of Summary Jurisdiction Acts to Post Office, Inland Revenue, and Customs.* The Summary Jurisdiction Acts shall apply to all informations, complaints, and other proceedings before a court of summary jurisdiction under the statutes relating to the Post Office.

Every offence under the statutes relating to the Post Office for which a person is liable to forfeit a sum not exceeding twenty pounds may be prosecuted before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

The Summary Jurisdiction Acts shall, notwithstanding any special provisions to the contrary contained in any of the statutes relating to her Majesty's revenue under the control of the Commissioners of Inland Revenue or the Commissioners of Customs, apply to all informations, complaints, and other proceedings before a court of summary jurisdiction under or by virtue of any of the said statutes:

Provided, that where the sum adjudged by conviction under or by virtue of any of the said statutes to be paid exceeds fifty pounds, the period of imprisonment imposed by a court of summary jurisdiction in respect of the non-payment of such sum, or in respect of the default of a sufficient distress to satisfy such sum, may exceed three months but shall not exceed six months.

54. *Application and construction of Act.* This Act shall apply to the levying of sums adjudged to be paid by an order in any matter of bastardy, or by an order which is enforceable as an order of affiliation, and to the imprisonment of a defendant for non-payment of such sums, in like manner as if an order in any such matter or so enforceable were a conviction or information, and shall apply to the proof of the service of any summons, notice,

process, or document in any matter of bastardy, and of any handwriting or seal in any such matter, and to an appeal from an order in any matter of bastardy.

Nothing in this Act shall authorize a court of summary jurisdiction to reduce the amount of a fine where the Act prescribing such amount carries into effect a treaty, convention, or agreement with a foreign State, and such treaty, convention, or agreement stipulates for a fine of a minimum amount.

This Act shall be construed as one with the Summary Jurisdiction Act, 1848, so far as is consistent with the tenour of such Acts respectively, and save as aforesaid shall be subject to the exceptions specified in section thirty-five of the Summary Jurisdiction Act, 1848:

Provided that the provisions contained in sections thirty-three and thirty-four of the Summary Jurisdiction Act, 1848, as to the Acts relating to the police in the metropolis and in the city of London, and relating to the powers of justices within the metropolitan police district, shall not apply to or restrict the operation of this Act.

This Act shall not apply to any information, complaint, or other summary proceeding laid, made, or instituted before the commencement of this Act, or in respect of any offence committed, or any act done, or any cause which arose before the commencement of this Act, and any such information, complaint, or other proceeding as aforesaid may be laid, made, instituted, and proceeded with in the same manner as if this Act had not been passed.

Repeal.

55. *Repeal of Acts.*] There shall be repealed as from the commencement of this Act—

(1.) The Acts mentioned in the Second Schedule to this Act to the extent in the third column of that schedule mentioned; and

(2.) So much of any other Act as is inconsistent with this Act.

Provided that this repeal shall not affect—

(1.) Anything duly done or suffered before the commencement of this Act under any enactment hereby repealed; or

(2.) Any right or privilege acquired or any liability incurred before the commencement of this Act under any enactment hereby repealed; or

(3.) Any imprisonment, fine, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before the commencement of this Act under any enactment hereby repealed; or

(4.) The institution or prosecution to its termination of any investigation or legal proceeding or any other remedy for prosecuting any such offence or ascertaining, enforcing, or recovering any such liability, imprisonment, fine, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this repeal had not been enacted.

Where any repealed Act of Parliament incorporates or refers to any provisions of any Act hereby repealed, such unrepealed Act shall be deemed to incorporate or refer to the corresponding provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

INDICTABLE OFFENCES WHICH CAN BE DEALT WITH SUMMARILY UNDER THIS ACT.

FIRST COLUMN.	SECOND COLUMN.
Young Persons consenting and Adults pleading Guilty.	Adults consenting.
1. Simple larceny.	1. Simple larceny, where the value of the whole of the property alleged to have been stolen does not in the opinion of the court before whom the charge is brought exceed forty shillings.
2. Offences declared by any Act for the time being in force to be punishable as simple larceny.	2. Offences declared by any Act for the time being in force to be punishable as simple larceny, where the value of the whole of the property alleged to have been stolen, destroyed, injured, or otherwise dealt with by the offender does not in the opinion of the court before whom the charge is brought exceed forty shillings.
3. Larceny from or stealing from the person.	3. Larceny from or stealing from the person, where the value of the whole of the property alleged to have been stolen does not in the opinion of the court before whom the charge is brought exceed forty shillings.
4. Larceny as a clerk or servant.	4. Larceny as a clerk or servant, where the value of the whole of the property alleged to have been stolen does not in the opinion of the court before whom the charge is brought exceed forty shillings.
5. Embezzlement by a clerk or servant.	5. Embezzlement by a clerk or servant, where the value of the whole of the property alleged to have been embezzled does not in the opinion of the court before whom the charge is brought exceed forty shillings.
6. Receiving stolen goods, that is to say, committing any of the offences relating to property specified in the ninety-first and ninety-fifth sections of the Larceny Act, 1861 (being the Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter ninety-six), or in either of such sections.	6. Receiving stolen goods, that is to say, committing any of the offences relating to property specified in the ninety-first and ninety-fifth sections of the Larceny Act, 1861 (being the Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter ninety-six), or in either of such sections, where the value of the whole of the property alleged to have been received does not in the opinion of the court before whom the charge is brought exceed forty shillings.
7. Aiding, abetting, counselling, or procuring the commission of simple larceny, or of an offence declared by any Act for the time being in force to be punishable as simple larceny, or of larceny or stealing from the person, or of larceny as a clerk or servant.	7. Aiding, abetting, counselling, or procuring the commission of simple larceny, or of an offence declared by any Act for the time being in force to be punishable as simple larceny, or of larceny or stealing from the person, or of larceny as a clerk or servant, where the value of the whole of the property which is the subject of the alleged offence does not in the opinion of the court before whom the charge is brought exceed forty shillings.
8. Attempt to commit simple larceny, or an offence declared by any Act for the time being in force to be punishable as simple larceny, or to commit larceny from or steal from the person, or to commit larceny as a clerk or servant.	8. Attempt to commit simple larceny, or an offence declared by any Act for the time being in force to be punishable as simple larceny, or to commit larceny from or steal from the person, or to commit larceny as a clerk or servant.

This Act shall apply to any of the following offences when alleged to have been committed by a young person in like manner as if such offence were included in the first column of the schedule; that is to say,

- (1.) To any offence in relation to railways and railway carriages mentioned in sections thirty-two and thirty-three of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter one hundred, intituled "An Act to consolidate and amend the statute law of England and Ireland relating to offences against the person"; and
- (2.) To any offence relating to railways mentioned in section thirty-five of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter ninety-seven, intituled: "An Act to consolidate and amend the statute law of England and Ireland relating to malicious injuries to property"; and
- (3.) To any indictable offence, either under the Post Office Laws or prosecuted by her Majesty's Postmaster-General; and for the purpose of this provision the expression "Post Office Laws" has the same meaning as it has in the Act of the session of the seventh year of the reign of King William the Fourth and the first year of the reign of her present Majesty, chapter thirty-six, intituled "An Act for consolidating the laws relative to offences against the Post Office of the United Kingdom, and for regulating the judicial administration of the Post Office Laws, and for explaining certain terms and expressions employed in those laws," and the Acts amending the same.

SECOND SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
10 & 11 Vict. c. 82. . .	An Act for the more speedy trial and punishment of juvenile offenders.	The whole Act.
11 & 12 Vict. c. 43. . .	An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders.	The following words in section thirty-five: "Nor to any information or complaint or other proceeding under or by virtue of any of the statutes relating to her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office."
13 & 14 Vict. c. 37. . .	An Act for the further extension of summary jurisdiction in cases of larceny.	The whole Act, in so far as relates to England.
18 & 19 Vict. c. 126 . .	An Act for diminishing expense and delay in the administration of criminal justice in certain cases.	The whole Act, in so far as relates to England, except sections eighteen, twenty, twenty-two, twenty-three, and twenty-four.
27 & 28 Vict. c. 80. . .	An Act to extend the provisions of the Criminal Justice Act, 1855, to the Liberties of the Cinque Ports, and to the district of Romney Marsh in the county of Kent.	The whole Act.
27 & 28 Vict. c. 110 . .	An Act for the amendment of the law relating to the mitigation of penalties.	The whole Act, so far as relates to England.
28 & 29 Vict. c. 127 . .	An Act to amend the law relating to small penalties.	The whole Act.
31 & 32 Vict. c. 116 . .	An Act to amend the law relating to larceny and embezzlement.	Section two, in so far as relates to England.
34 & 35 Vict. c. 78. . .	An Act to amend the law respecting the inspection and regulation of railways.	Section thirteen, in so far as relates to England.

CAP. I.

An Act to amend the Law relating to Bills of Sale in Ireland. [11th August 1879.]

CAP. II.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and eighty, and to appropriate the Supplies granted in this Session of Parliament. [15th August 1879.]

CAP. LII.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other rates and taxes. [15th August 1879.]

CAP. LIII.

An Act to amend the Law regulating Municipal Elections in Ireland. [15th August 1879.]

CAP. LIV.

An Act to make better provision for the adjustment of Parish Boundaries, and to make further amendments in the Acts relating to the relief of the Poor in England. [15th August 1879.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Poor Law Act, 1879.

2. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

3. *Commencement of Act.*] This Act shall come into operation on the first day of September one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

Parish Boundaries.

4. *Applying certain provisions of 39 & 40 Vict. c. 61 to inconvenient divisions of parishes.*] Where part of a parish is on one side while the residue of the parish is on the other side of the boundary of a municipal borough or county, or of a river, estuary, or branch of the sea, or where part of a parish is so situate as to be nearly detached from the residue of the parish, or is otherwise so situate as to render the administration of the relief of the poor in or the local government of such part in conjunction with the residue of the parish inconvenient, the said parish shall be deemed to be a divided parish within the meaning of section one of the Divided Parishes and Poor Law Amendment Act, 1876, and the provisions of that Act shall apply accordingly in like manner as if the said part were isolated as mentioned in that section.

5. *Removing doubts as to construction of 39 & 40 Vict. c. 61, s. 1.*] Whereas by section one of the Divided Parishes and Poor Law Amendment Act, 1876, an order may be made "for constituting separate parishes out of the divided parish, or for amalgamating some of the parts thereof with the parish or parishes in which the same may be locally included, or to which they may be annexed"; and doubts have arisen with respect to the construction of the said pro-

vision, and it is expedient to remove such doubts: Be it therefore enacted as follows:

An order under the said Act may deal with several divided parishes at the same time, and may constitute separate parishes out of any of such divided parishes or out of parts of several divided parishes, and may unite any parts of a divided parish or of several divided parishes with each other, and amalgamate the parts so united with any adjoining parish, and may amalgamate any part of a divided parish or parts of several divided parishes with an adjoining parish or adjoining parishes.

6. *Extension of 39 & 40 Vict. c. 61 to certain places formerly extra-parochial.*] Where a parish was at the time of the passing of the Act of the twentieth year of her present Majesty, chapter nineteen, intituled "An Act to provide for the relief of the poor in extra-parochial places," an extra-parochial place, and a representation is made to the Local Government Board that, by reason of the relative size and shape of such parish, and its position in respect to other parishes, the relief of the poor could be better administered if the same, or any part or parts thereof, were amalgamated with the adjoining parish or parishes, an order may be made in pursuance of the Divided Parishes and Poor Law Amendment Act, 1876, in relation to such parish, in like manner as if the said parish were a divided parish.

7. *Removing doubts as to effect of an order under 39 & 40 Vict. c. 61, s. 5.*] Whereas by section five of the Divided Parishes and Poor Law Amendment Act, 1876, provision is made for dealing with a parish included in a highway district, and doubts have arisen as to the effect of an order under the said Act so far as regards highways, and it is expedient to remove such doubts: Be it therefore enacted as follows:

Where a parish is a place separately maintaining its own highways, an order made either before or after the commencement of this Act under the Divided Parishes and Poor Law Amendment Act, 1876, shall be deemed to have dealt with that parish for highway as well as for poor law purposes.

Where a parish is not a place separately maintaining its own highways, an order under the Divided Parishes and Poor Law Amendment Act, 1876, dealing with such poor law parish or any part thereof, may deal with any area affected by the order for highway purposes in like manner as it deals with the same for poor law purposes.

Where any such order has been made before the passing of this Act, a supplemental order may be made under the said Act for the purposes of dealing with the area so far as regards highways.

For the purposes of this section, any parish, township, or place separately maintaining its own highways or entitled to return a separate waywarden to a highway board under the Highway Acts shall be deemed to be a place separately maintaining its own highways.

Miscellaneous Amendments of Law.

8. *Combination of unions not in the metropolis.*] Where on any representation it appears to the Local Government Board that the combination of two or more unions not in the metropolis for any purpose connected with the administration of the relief of the poor would tend to diminish expense, or would otherwise be of public or local advantage, the board may, with the consent of the guardians of the unions to be combined, make an order for combining such unions for the purposes named therein, and for constituting for the execution of such purposes a joint committee of the guardians of each of the combined unions.

The order shall define the powers, rights, duties, liabilities, and obligations of the joint committee, and regulate the election, meetings, and officers of the joint committee, the mode of defraying the expenses of the joint committee, and any other matter or thing (including the adjustment of present and future liabilities and property) which it appears necessary or proper to regulate for the better carrying into effect the order.

The guardians of a union included in such combination shall, save as otherwise provided by the order, cease to exercise any powers and rights, and to be subject to any duties, liabilities, and obligations vested by the order in the joint committee.

All property acquired by the joint committee shall be

vested in the boards of guardians of the unions included in the combination as tenants in common.

An order may be made for amending, adding to, or revoking any order previously made under this section.

9. *Amendment of 30 & 31 Vict. c. 106, s. 2, as to application for alteration of certain local Acts.*] An application under section two of the Poor Law Amendment Act, 1867, may be made by any churchwardens, overseers, managers, commissioners, or other persons having any powers or duties under any such local Act as is in that section mentioned, as well as by the guardians.

10. *Extension of 14 & 15 Vict. c. 105, s. 4, as to subscriptions to institutions.*] Whereas by section four of the Poor Law Amendment Act, 1851, guardians are authorized, with such consent as is therein mentioned, to subscribe towards the support and maintenance of any public hospital or infirmary as therein mentioned, and it is expedient to extend the said section: Be it therefore enacted as follows:

The provisions of the said section shall extend to authorize the guardians, with such consent as is therein mentioned, to subscribe towards any asylum or institution for blind persons, or for deaf and dumb persons, or for persons suffering from any permanent or natural infirmity, or towards any association or society for aiding such persons, or for providing nurses, or for aiding girls or boys in service, or towards any other asylum or institution which appears to the guardians, with such consent as aforesaid, to be calculated to render useful aid in the administration of the relief of the poor.

Provided always, that nothing herein contained shall authorize any subscription to any asylum or institution unless the Local Government Board be satisfied that the paupers under the guardians have or could have assistance therein in case of necessity.

11. *Power for guardians to borrow for furnishing, &c., workhouses.*] The guardians of any union, for the purpose of fitting up and furnishing any workhouse under their control, may borrow money in accordance with the provisions of the Poor Law Amendment Act, 1834, and the Acts amending the same, including this Act.

12. *Amendment of 32 & 33 Vict. c. 45, s. 5, as to loans to guardians.*] Whereas section five of the Union Loans Act, 1869, provides that any sum or sums of money borrowed by guardians may be repaid either by thirty equal annual payments of the principal, or by such equal annual payments as will repay the sum borrowed within thirty years, and it is expedient to authorize the repayment of any sum or sums in manner hereinafter mentioned: Be it therefore enacted as follows:

Section five of the Union Loans Act, 1869, shall be construed as if there were substituted for the thirty equal annual payments and the thirty years therein mentioned such number of equal annual payments not exceeding thirty, and such number of years not exceeding thirty, as the guardians, with the consent of the Local Government Board, may in each case determine.

13. *Application of 32 & 33 Vict. c. 45, to loans to managers of district schools, &c.*] The provisions of the Union Loans Act, 1869, shall be deemed to have applied, and as amended by this Act shall apply, to the managers of district schools and to the managers of districts constituted under the Metropolitan Poor Act, 1867, in like manner as if they were guardians.

14. *Transfer of buildings, &c., to rural sanitary authority for use as infection hospitals.*] If it appear to the guardians of any union desirable that any hospital or building vested in them as guardians under the Acts relating to the relief of the poor should be vested in them as the rural sanitary authority of such union, for the reception of persons suffering from any dangerous infectious disorder, the guardians may, by resolution, to be confirmed by an order of the Local Government Board, transfer such hospital or building accordingly; and from and after the date named in the order such hospital or building shall be deemed to be vested in the guardians as the rural sanitary authority of the union, for the use of the inhabitants of the union or part thereof named in the resolution and order.

If the same is to be for the use of the inhabitants of any part of the union comprised in an urban sanitary district the order may determine the contribution to be made by

the urban sanitary authority of such district towards the maintenance of the hospital or building.

Where an urban sanitary district comprises part of the union, and the said hospital or building is not to be for the use of the inhabitants of that part, the order may determine the value of the interest of that part of the union in such hospital or building, and the manner in which such value is to be paid to that part by the residue of the union for whose use the hospital or building is to be kept, and the application of the sum so paid.

15. *Power for Metropolitan Asylums Board to contract with local authority for reception, &c., in hospital of persons suffering from dangerous infectious disorder*—18 & 19 Vict. c. 121.] The Metropolitan Asylums Board may from time to time, with the approval of the Local Government Board, contract with any local authority in the metropolis acting in the execution of the Nuisances Removal Act, 1855, and the Acts amending the same, for the reception and maintenance in any hospital belonging to or under the management of such board of any person suffering from any dangerous infectious disorder within the district of any such local authority, and any person received into an hospital by virtue of any such contract under this section shall be deemed to be maintained in such hospital by the local authority with whom the contract is made.

Any expenses incurred by a local authority for the maintenance of any person under this section shall be deemed to be due from such person to the local authority, and may be recovered by the local authority from him, or from his representatives, at any time within six months after his discharge from such hospital.

16. *Power for Metropolitan Asylums Board to provide ambulances.*] The Metropolitan Asylums Board may from time to time provide and maintain carriages suitable for the conveyance of persons suffering from any dangerous infectious disorder, and shall cause the same to be from time to time properly cleansed and disinfected, and may provide and maintain such buildings and horses, and employ such persons, and do such other things as are necessary or proper for the purposes of such conveyance.

All expenses incurred by the Metropolitan Asylums Board in the execution of this section to such extent as the Local Government Board may sanction shall be paid out of the Metropolitan Common Poor Fund.

17. *Power to remunerate poor rate collectors for collecting rates in parts of parishes.*] Where a rate is levied by the overseers of a parish over part of the parish only, the officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect such first-mentioned rate, and shall receive out of the same such remuneration for the additional duty as the overseers, with the consent of the vestry, may determine.

18. *Definitions.*] In this Act, unless inconsistent with the context—

The expression "the Metropolis" means all parishes and places in which the Metropolitan Board of Works have for the time being power to levy the consolidated rate:

The expression "Metropolitan Asylums Board" means the managers of the Metropolitan Asylums District:

The expression "parish" means any parish, township, or place for which a separate poor rate is or can be made:

The expression "municipal borough" means a borough for the time being subject to the Municipal Corporation Act, 1835, and the Acts amending the same:

The expressions "urban sanitary district" and "rural sanitary district" mean respectively an urban sanitary district and rural sanitary district within the meaning of the Public Health Act, 1875:

The expression "union" means a union of parishes under a general or local Act, with a separate board of guardians, and includes a parish for which there is a separate board of guardians:

The expression "guardians" means guardians appointed under the Poor Law Amendment Act, 1834, and the Acts amending the same, and includes guardians or other body of persons performing under any local Act the like functions as guardians under the Poor Law Amendment Act, 1834.

19. *Saving as to 39 & 40 Vict. c. 61, s. 43.*] Nothing in this Act contained shall repeal, alter, or affect any of the provisions of the forty-third section of the Divided Parishes and Poor Law Amendment Act, 1876.

CAP. LV.

An Act to reduce the Minimum Term of Penal Servitude in the case of a previous conviction, and to amend the Law with respect to the notifications and reports made under sections five and eight of the Prevention of Crimes Act, 1871. [15th August 1879.]

Be it enacted, &c.:

1. *Repeal of 27 & 28 Vict. c. 47, s. 2, as to minimum term for sentence of penal servitude.*] Whereas by section two of the Penal Servitude Act, 1864, it is enacted as follows:—"Where any person shall on indictment be convicted of any crime or offence punishable with penal servitude, after having been previously convicted of felony, or in Scotland, of any crime (whether such previous conviction shall have taken place upon an indictment, or under the provisions of the Act passed in the eighteenth and nineteenth of Victoria, chapter one hundred and twenty-six), the least sentence of penal servitude that can be awarded in such case shall be a period of seven years:" and it is expedient to repeal the said enactment: Be it therefore enacted as follows:

So much of section two of the Penal Servitude Act, 1864, as is above recited is hereby repealed so far as regards any sentence awarded after the commencement of this Act.

2. *Amendment of 34 & 35 Vict. c. 112, ss. 5, 8, as to notification of residence and reports by convict holding licence and offender under supervision of the police.*] Whereas by section five of the Prevention of Crimes Act, 1871, it is enacted as follows:

"Every holder of a licence granted under the Penal Servitude Acts who is at large in Great Britain or Ireland, shall notify the place of his residence to the chief officer of police of the district in which his residence is situated, and shall, whenever he changes such residence within the same police district, notify such change to the chief officer of police of that district, and whenever he changes his residence from one police district to another shall notify such change of residence to the chief officer of police of the district which he is leaving and to the chief officer of police of the police district into which he goes to reside; moreover, every male holder of such a licence as aforesaid shall, once in each month, report himself at such time as may be prescribed by the chief officer of police of the district in which such holder may be, either to such chief officer himself or to such other person as that officer may direct, and such report may, according as such chief officer directs, be required to be made personally or by letter."

And whereas by section eight of the same Act a like provision is made in the case of persons who, on conviction, have been sentenced to be subject to the supervision of the police:

And whereas it is expedient to make further provision with respect to the said notification and report: Be it therefore enacted as follows:

Any holder of a licence required under section five, and any person subject to the supervision of the police required under section eight of the Prevention of Crimes Act, 1871, to notify his residence or any change of his residence to a chief officer of police shall comply with such requirement by personally presenting himself and declaring his place of residence to the constable or person who at the time when such notification is made is in charge of the police station or office of which notice has been given to such holder or person as the place for receiving his notification, or if no such notice has been given, in charge of the chief office of such chief officer of police.

The power of the chief officer of a police district to direct that the reports required by sections five and eight of the Prevention of Crimes Act, 1871, to be made by holders of licences and persons subject to the supervision of the police shall be made to some other person shall extend to authorize him to direct such reports to be made to the constable or person in charge of any particular police station or office without naming the individual person.

Any appointment, direction, or authority purporting to be signed by the chief officer of police, and to have been made or given for the purposes of this Act, or of sections five and eight of the Prevention of Crimes Act, 1871, or one of them, shall be evidence, until the contrary is proved, that the appointment, direction, or authority thereby made or given was duly made or given by the chief officer of police, and evidence that it appears from the records kept by authority

of the chief officer of police that a person required as above mentioned to notify his residence or change of residence or make a report has failed to comply with such requirement, shall be *prima facie* evidence that the person has not complied with such requirement, but if the person charged alleges that he made such notification or report to any particular person or at any particular time, the court shall require the attendance of such persons as may be necessary to prove the truth or falsehood of such allegation.

3. *Commencement of Act.*] This Act shall come into operation on the first day of September one thousand eight hundred and seventy-nine (which day is in this Act referred to as the commencement of this Act).

4. *Short title.*] This Act may be cited as the Prevention of Crime Act, 1879.

CAP. LVI.

An Act to continue for a further period the Regulation of Railways Acts, 1873 and 1874.

[15th August 1879.
36 & 37 *Vict. c. 48*—37 & 38 *Vict. c. 40*.] Whereas the Regulation of Railways Acts, 1873 and 1874, will expire on the thirty-first day of December one thousand eight hundred and seventy-nine; and it is expedient to continue the said Acts for a further period:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Regulation of Railways Acts, 1873 and 1874, Continuance Act, 1879.

2. *Continuing 36 & 37 *Vict. c. 48*, and 37 & 38 *Vict. c. 40*.*] The Regulation of Railways Acts, 1873 and 1874, and any enactments amending or affecting the same, in so far as they are temporary in their duration, shall continue in force until the thirty-first day of December one thousand eight hundred and eighty-two.

CAP. LVII.

An Act to amend the Public Health (Ireland) Act, 1878.

[15th August 1879.]

CAP. LVIII.

An Act to provide for the Collection, either in money or by stamps, of Fees payable in Public Offices.

[15th August 1879.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Public Offices Fees Act, 1879.

2. *Mode of collecting fees payable in public offices.*] The fees payable in any public office shall be collected either in money or by means of stamps, or partly in one way and partly in the other way, according as may be from time to time directed by order of the Commissioners of her Majesty's Treasury (in this Act referred to as the Treasury).

Every such order shall be published in the *London Gazette*, and shall come into operation on the date of such publication or any later date mentioned in the order.

3. *Regulations by Treasury.*] The Treasury may from time to time make, and when made revoke, alter, and add to, regulations for all or any of the following purposes respecting fees in any public office; that is to say,

- (1) Regulating the manner in which the fees, taken in money, are to be taken, accounted for, and paid over;
- (2) Determining the use of impressed or adhesive stamps, and the mode of cancellation of adhesive stamps;
- (3) Regulating the use of stamps and prescribing the application thereof to documents from time to time in use, and requiring documents to be used for the purpose of such stamps.

The regulations for the time being in force under this section shall apply to the office named in such regulations, and shall be binding on all courts, officers, and persons to whom these regulations refer, in the same manner as if they were enacted by this Act.

Any document which ought to bear a stamp in pursuance of any regulations in force under this section shall not be received, filed, used, or admitted in evidence unless or until it is properly stamped within the time prescribed by the regulations, but if any such document is, through mistake or inadvertence, received, filed, or used without being properly

stamped, the same may be stamped under the direction of such court or person, and under such conditions as may be prescribed by the regulations.

Any regulations under this Act, so far as they relate to the office of any court of law, shall be made with the consent of the Lord Chancellor.

4. *Saving for powers respecting alteration of fees.*] Nothing in this Act shall interfere with any power of altering or otherwise regulating the amount of any fees for the time being payable in any public office, or of any salary or charge for the time being payable out of such fees.

5. *Preparation and issue of stamps.*] The Commissioners of Inland Revenue shall prepare and issue stamps required for the purposes of this Act, and all enactments relating to the forgery and counterfeiting of stamps under the control of the Commissioners of Inland Revenue, and of dies or paper for the same, and to the fraudulent use thereof, shall apply in the case of stamps under this Act.

The Commissioners of Inland Revenue shall keep such separate accounts of all moneys received in respect of stamps under this Act as the Treasury from time to time direct.

6. *Application of fees.*] Subject to the deduction of any expenses incurred by the Commissioners of Inland Revenue in respect of the preparation and issue of stamps, all moneys received by those commissioners in respect of stamps under this Act shall be applied as fees collected under this Act.

All fees collected under this Act, when applicable by law to the payment of salaries or other expenses or otherwise, shall be so applied, but, save as aforesaid, shall be paid into the Exchequer, and form part of the Consolidated Fund.

7. *Application of Act.*] This Act shall apply to all fees percentages, and other sums payable in or to any officer of any public office or department the expenses of which are paid wholly or partly out of the Consolidated Fund or moneys provided by Parliament, including the offices connected with the Supreme Courts of Judicature, courts of bankruptcy, county courts, and other courts of law in the United Kingdom, or payable to any officer who is paid wholly or partly out of the Consolidated Fund or moneys provided by Parliament; and the expression "fee" shall include all such percentages and sums.

Provided that nothing in this Act shall apply—

- (1) to duties granted to her Majesty and under the control of the Commissioners of Customs or the Commissioners of Inland Revenue; or
- (2) to any fees payable in either House of Parliament; or
- (3) to any fees payable in, or to any officer of, any office of her Majesty's Duchy or County Palatine of Lancaster, unless the Chancellor of the said Duchy or County Palatine of Lancaster consents to the Act applying to such last-mentioned fees.

8. *Repealing 29 & 30 *Vict. c. 76*, and other enactments.*] The Public Offices Fees Act, 1866, and every other enactment relating to the taking, applying, and accounting for any fees to which this Act applies, are hereby repealed:

Provided that—

- (1) This repeal shall not affect anything already done or suffered in pursuance of any enactment hereby repealed; and
- (2) The fees to which this Act applies shall, until any order is made under this Act with respect to those fees, continue to be taken, applied, and accounted for in the existing manner in all respects as if the enactments hereby repealed which relate thereto were not repealed.

CAP. LIX.

An Act for repealing certain Enactments relating to Civil Procedure which have ceased to be in force, or have become unnecessary, and for abolishing Outlawry in Civil Proceedings.

[15th August 1879.]

CAP. LX.

An Act to enable the Secretary of State in Council o

India to raise Money in the United Kingdom for the Service of the Government of India.

[15th August 1879.]

CAP. LXI.

An Act to make provision for raising the Sum required for the purposes of the Advance authorized by the Indian Advance Act, 1879.

[15th August 1879.]

CAP. LXII.

An Act to raise the sum of four million two hundred thousand pounds by Exchequer Bonds, Exchequer Bills, or Treasury Bills, for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty.

[15th August 1879.]

CAP. LXIII.

An Act to amend the Artizans and Labourers Dwellings Improvement Act, 1875.

[15th August 1879.]

CAP. LXIV.

An Act to extend the powers of the Artizans Dwellings Act of 1868, by provisions for compensation and re-building.

[15th August 1879.]

CAP. LXV.

An Act to promote the advancement of Learning, and to extend the benefits connected with University Education in Ireland.

[15th August 1879.]

CAP. LXVI.

An Act to continue for a farther period the power of making Schemes under the Endowed Schools Acts, 1869, 1874, and 1876.

[15th August 1879.]

CAP. LXVII.

An Act to continue various expiring Laws.

[15th August 1879.]

CAP. LXVIII.

An Act to authorize the Metropolitan Board of Works to defray expenses incurred in relation to the promotion of certain Bills in Parliament relating to the supply of water to the Metropolis.

[15th August 1879.]

CAP. LXIX.

An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto.

[15th August 1879.]

CAP. LXX.

An Act to amend the Acts relating to Vaccination in Ireland.

[15th August 1879.]

CAP. LXXI.

An Act to regulate the Practice in Registry Courts in Ireland.

[15th August 1879.]

CAP. LXXII.

An Act to provide for the re-hearing of Investigations into Shipping Casualties, and to amend the rules as to the mode of holding, and procedure at, such Investigations.

[15th August 1879.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Shipping Casualties Investigations Act, 1879.

2. *Re-hearing of and appeal against investigation into shipping casualty or misconduct of officer.*] (1.) Where an investigation into the conduct of a master, mate, or engineer, or into a shipping casualty, has been held under the Merchant Shipping Act, 1854, or any Act amending the same, or under any provision for holding such investigations in a British possession, the Board of Trade may, in any case, and

shall, if new and important evidence which could not be produced at the investigation has been discovered, or if for any other reason there has in their opinion been ground for suspecting a miscarriage of justice, order that the case be re-heard, either generally or as to any part thereof, and either by the court or authority by whom it was heard in the first instance, or by the Wreck Commissioner, or in England or Ireland by a Judge of her Majesty's High Court of Justice exercising jurisdiction in admiralty cases, or in Scotland by the Senior Lord Ordinary, or any other judge in the Court of Session whom the Lord President of that court may appoint for the purpose, and the case shall be so re-heard accordingly.

(2.) Where, in any such investigation, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following courts; namely,

(a.) If the decision is given in England or by a naval court, the Probate, Divorce, and Admiralty Division of her Majesty's High Court of Justice:

(b.) If the decision is given in Scotland, either division of the Court of Session:

(c.) If the decision is given in Ireland, the High Court of Admiralty, or the judge or division of her Majesty's High Court of Justice exercising jurisdiction in admiralty cases.

(3.) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

3. *Rules as to investigations into shipping casualties and misconduct of officers.*] (1.) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only, but persons entered in any such list may be approved for any subsequent list. The list of those persons in force at the passing of this Act shall continue in force until the end of the year one thousand eight hundred and eighty, but nothing in this section shall affect the power of the Secretary of State to withdraw his approval of any name on any such list or to approve of any additional name.

(2.) The assessor or assessors for each such investigation shall, instead of being appointed by the commissioner, justices, or other authority holding the investigation, be appointed in such manner and according to such regulations as may be from time to time prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

(3.) Where any such investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer it shall be held with the assistance of not less than two assessors having experience in the merchant service.

(4.) A master, mate, or engineer shall not be required to deliver his certificate under section four hundred and thirty-eight of the Merchant Shipping Act, 1854, or section twenty-four of the Merchant Shipping Act, 1862, unless the certificate is suspended or cancelled, and the words "or is to be" in the latter of those sections are hereby repealed.

(5.) Investigations into shipping casualties shall be held in some town hall, assize or county court, public building, or in some other suitable place to be determined according to general rules made for the purpose by the Lord High Chancellor of Great Britain, and unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a court ordinarily used as a police court.

4. *Rules to be laid before Parliament.*] Any general rule made in pursuance of this Act, shall be laid before both Houses of Parliament within thirty days after it is made, if Parliament be then sitting, or if not, within thirty days after the commencement of the then next ensuing session.

5. *Commencement of Act.*] This Act shall commence and come into operation on the first day of November one thousand eight hundred and seventy-nine: Provided that any rules which may be required for the purposes of this Act may be made at any time before the commencement of this Act, but, if so made, shall not come into operation until the commencement of this Act.

CAP. LXXIII.

An Act to authorize the Commissioners of her Majesty's Woods and Forests and Land Revenues to agree with the Conservators of the River Thames on the Payments for Piers or Landing-places in or upon the Bed or Shore of the River Thames.

[15th August 1879.]

CAP. LXXIV.

An Act for improving the position of the Teachers of National Schools in Ireland.

[15th August 1879.]

CAP. LXXV.

An Act to amend and continue the Acts relating to Election Petitions, and to the Prevention of Corrupt Practices at Parliamentary Elections.

[15th August 1879.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Parliamentary Elections and Corrupt Practices Act, 1879.

2. *Trial of election petition to be conducted before two judges.*] The trial of every election petition and the hearing of an application for the withdrawal of an election petition shall be conducted before two judges instead of one, and the Parliamentary Elections Act, 1868, shall be construed as if for the purpose of hearing and determining the petition at the trial and of hearing and determining any application for the withdrawal of an election petition two judges were mentioned, and additional judges shall, if necessary, be placed on the rota accordingly.

Every certificate and every report sent to the Speaker in pursuance of the said Act shall be under the hands of both judges, and if the judges differ as to whether the member whose return or election is complained of was duly returned or elected they shall certify that difference, and the member shall be deemed to be duly elected or returned; and if the judges determine that such member was not duly elected or returned, but differ as to the rest of the determination, they shall certify that difference, and the election shall be deemed to be void; and if the judges differ as to the subject of a report to the Speaker, they shall certify that difference and make no report on the subject on which they so differ.

Save as aforesaid, any order, act, application, or thing for the purposes of the said Act may continue to be made or done by, to, or before one judge. The expenses incident to the sitting of two judges shall be defrayed as the expenses of one judge are payable under the provisions of the said Act.

3. *Continuance of Acts.*] This Act and the Acts mentioned in the schedule to this Act, so far as they are unrepealed, shall continue in force until the thirty-first day of December one thousand eight hundred and eighty, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

SCHEDULE.

ACTS REFERRED TO.

Session and Chapter.	Title.
PART I.	
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.
21 & 22 Vict. c. 87.	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.
26 & 27 Vict. c. 29.	An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.
PART II.	
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.
32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.
34 & 35 Vict. c. 61.	The Election Commissioners Expenses Act, 1871.

CAP. LXXVI.

An Act to amend the Law with respect to the Liability of Members of Banking and other Joint Stock Companies; and for other purposes.

[15th August 1879.]

Be it enacted :

1. *Short title.*] This Act may be cited as the Companies Act, 1879.

2. *Act not to apply to Bank of England.*] This Act shall not apply to the Bank of England.

3. *Act to be construed with 25 & 26 Vict. c. 89, 30 & 31 Vict. c. 131, and 40 & 41 Vict. c. 26.*] This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Companies Acts, 1862, 1867, and 1877, and those Acts together with this Act may be referred to as the Companies Acts, 1862 to 1879.

4. *Registration anew of company—25 & 26 Vict. c. 89.*] Subject as in this Act mentioned, any company registered before or after the passing of this Act as an unlimited company may register under the Companies Acts, 1862 to 1879, as a limited company, or any company already registered as a limited company may re-register under the provisions of this Act.

The registration of an unlimited company as a limited company in pursuance of this Act shall not affect or prejudice any debts, liabilities, obligations, or contracts incurred or entered into by, to, with, or on behalf of such company prior to registration, and such debts, liabilities, contracts, and obligations may be enforced in manner provided by Part VII. of the Companies Act, 1862, in the case of a company registering in pursuance of that part.

5. *Reserve capital of company, how provided.*] An unlimited company may, by the resolution passed by the members when assenting to registration as a limited company under the Companies Acts, 1862 to 1879, and for the purpose of such registration or otherwise, increase the nominal amount of its capital by increasing the nominal amount of each of its shares.

Provided always, that no part of such increased capital shall be capable of being called up, except in the event of and for the purposes of the company being wound up.

And, in cases where no such increase of nominal capital may be resolved upon, an unlimited company may, by such resolution as aforesaid, provide that a portion of its uncalled capital shall not be capable of being called up, except in the event of and for the purposes of the company being wound up.

A limited company may by a special resolution declare that any portion of its capital which has not been already called up shall not be capable of being called up, except in the event of and for the purpose of the company being wound up; and thereupon such portion of capital shall not be capable of being called up, except in the event of and for the purpose of the company being wound up.

6. *25 & 26 Vict. c. 89, s. 182, repealed, and liability of bank of issue unlimited in respect of notes.*] Section one hundred and eighty-two of the Companies Act, 1862, is hereby repealed, and in place thereof it is enacted as follows:—A bank of issue registered as a limited company, either before or after the passing of this Act, shall not be entitled to limited liability in respect of its notes; and the members thereof shall continue liable in respect of its notes in the same manner as if it had been registered as an unlimited company; but in case the general assets of the company are, in the event of the company being wound up, insufficient to satisfy the claims of both the note-holders and the general creditors, then the members, after satisfying the remaining demands of the note-holders, shall be liable to contribute towards payment of the debts of the general creditors a sum equal to the amount received by the note-holders out of the general assets of the company.

For the purposes of this section the expression "the general assets of the company" means the funds available for payment of the general creditor as well as the note-holder.

It shall be lawful for any bank of issue registered as a limited company to make a statement on its notes to the effect that the limited liability does not extend to its notes,

and that the members of the company continue liable in respect of its notes in the same manner as if it had been registered as an unlimited company.

7. *Audit of accounts of banking companies.* (1.) Once at the least in every year the accounts of every banking company registered after the passing of this Act as a limited company shall be examined by an auditor or auditors, who shall be elected annually by the company in general meeting.

(2.) A director or officer of the company shall not be capable of being elected auditor of such company.

(3.) An auditor on quitting office shall be re-eligible.

(4.) If any casual vacancy occurs in the office of any auditor the surviving auditor or auditors (if any) may act, but if there is no surviving auditor, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying the vacancy or vacancies in the auditorship.

(5.) Every auditor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company; and any auditor may, in relation to such books and accounts, examine the directors or any other officer of the company: Provided that if a banking company has branch banks beyond the limits of Europe, it shall be sufficient if the auditor is allowed access to such copies of and extracts from the books and accounts of any such branch as may have been transmitted to the head office of the banking company in the United Kingdom.

(6.) The auditor or auditors shall make a report to the members on the accounts examined by him or them, and on every balance sheet laid before the company in general meeting during his or their tenure of office; and in every such report shall state whether, in his or their opinion, the balance sheet referred to in the report is a full and fair balance sheet properly drawn up, so as to exhibit a true and correct view of the state of the company's affairs, as shown by the books of the company; and such report shall be read before the company in general meeting.

(7.) The remuneration of the auditor or auditors shall be fixed by the general meeting appointing such auditor or auditors, and shall be paid by the company.

8. *Signature of balance sheet.* Every balance sheet submitted to the annual or other meeting of the members of every banking company registered after the passing of this Act as a limited company shall be signed by the auditor or auditors, and by the secretary or manager (if any), and by the directors of the company, or three of such directors at the least.

9. *Application of 25 & 26 Vict. c. 89, 30 & 31 Vict. c. 131, and 40 & 41 Vict. c. 26.* On the registration, in pursuance of this Act, of a company which has been already registered, the registrar shall make provision for closing the former registration of the company, and may dispense with the delivery to him of copies of any documents with copies of which he was furnished on the occasion of the original registration of the company; but, save as aforesaid, the registration of such a company shall take place in the same manner and have the same effect as if it were the first registration of that company under the Companies Acts, 1862 to 1879, and as if the provisions of the Acts under which the company was previously registered and regulated had been contained in different Acts of Parliament from those under which the company is registered as a limited company.

10. *Privileges of Act available notwithstanding constitution of company.* A company authorized to register under this Act may register thereunder and avail itself of the privileges conferred by this Act, notwithstanding any provisions contained in any Act of Parliament, royal charter, deed of settlement, contract of co-partnership, cost book, regulations, letters patent, or other instrument constituting or regulating the company.

CAP. LXXVII.

An Act to amend the Acts relating to the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland, and to grant money for the purpose of Loans by the said Commissioners; and for other purposes in relation thereto.

[15th August 1879.]

CAP. LXXVIII.

An Act to amend the Supreme Court of Judicature Acts.
[15th August 1879.]

Be it enacted, &c. :—

Preliminary.

1. *Construction and short title of Act.* This Act shall be construed as one with the Supreme Court of Judicature Acts, 1873, 1875, and 1877, and may be cited together with those Acts as the Supreme Court of Judicature Acts, 1873 to 1879, and separately as the Supreme Court of Judicature (Officers) Act, 1879.

2. *Commencement of Act.* This Act shall, except where it is otherwise expressed, come into operation on the twenty-eighth day of October one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

3. *Definition of "existing."* In this Act "existing" means existing at the commencement of this Act.

Central Office.

4. *Establishment of central office.* There shall be established a central office of the Supreme Court of Judicature.

5. *Certain offices amalgamated with central office.* There shall be concentrated in and amalgamated with the central office the following offices; namely,

The record and writ clerks office;

The enrolment office;

The report office;

The offices of the masters of the Queen's Bench, Common Pleas, and Exchequer Divisions, including the bills of sale office;

The offices of the associates in the Queen's Bench, Common Pleas, and Exchequer Divisions;

The Crown office of the Queen's Bench Division;

The Queen's remembrancer's office;

The office of the registrar of certificates of acknowledgments of deeds by married women;

The office of the registrar of judgments; and

Such other offices of the Supreme Court as may from time to time be amalgamated with the central office by rules of court.

6. *Transfer of certain officers to central office.* There shall be transferred to the central office,—

(a.) The existing record and writ clerks;

The existing clerk of enrolment;

The existing clerks in the report office;

The existing masters of the Queen's Bench, Common Pleas, and Exchequer Divisions;

The existing associates in the Queen's Bench, Common Pleas, and Exchequer Divisions;

The existing Queen's remembrancer;

The existing Queen's coroner and attorney, and the

existing master of the Crown office other than the

Queen's coroner and attorney;

The existing registrar of certificates of acknowledgments of deeds by married women; and

The existing registrar of judgments;

with their respective clerks and messengers, or the clerks and messengers employed in their respective offices;

(b.) Such of the existing officers employed under the registrars of the Probate, Divorce and Admiralty Division as the judges of that Division respectively select as necessary for the performance of the duties to be performed in the central office; and

(c.) Such other officers of and persons employed in the Supreme Court or the offices thereof as are from time to time transferred to the central office by rules of court.

7. *Central office to be under control of masters of Supreme Court.* The central office shall be under the control and superintendence of officers called masters of the Supreme Court of Judicature.

Provided that the existing clerk of enrolments shall as long as he continues to hold that office retain his control and superintendence over the business heretofore performed in his office and over the persons for the time being employed in the performance of that business.

8. *First masters of Supreme Court.* (1.) The first masters of the Supreme Court of Judicature shall be—

The existing masters of the Queen's Bench, Common Pleas, and Exchequer Divisions;
The existing Queen's coroner and attorney;
The existing master of the Crown office other than the Queen's coroner and attorney;
The existing record and writ clerks; and
The existing associates in the Queen's Bench, Common Pleas, and Exchequer Divisions.

(2.) The salaries of the first masters of the Supreme Court shall be:

- In the case of each existing master of the Queen's Bench, Common Pleas, or Exchequer Division, the salary to which he is entitled as such master at the commencement of this Act;
- In the case of the existing Queen's coroner and attorney, and the existing master of the Crown office other than the Queen's coroner and attorney, the yearly sum of fifteen hundred pounds;
- In the case of every other master of the Supreme Court, the salary to which he would have been entitled if he had been appointed a master of the Queen's Bench, Common Pleas, or Exchequer Division, immediately before the commencement of this Act.

(3.) A vacancy in the office of any master of the Supreme Court other than a master being Queen's coroner and attorney or master of the Crown office, shall not be filled until the number of masters is reduced to eighteen.

9. *Appointment and removal of officers of central office.* (1.) The right of filling any vacancy in the office of master of the Supreme Court, or in any clerkship in the central office, shall, subject as in the next sub-section mentioned, be vested in the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer in rotation and in such order as they by agreement among themselves determine.

(2.) The right of filling any vacancy in the office of Queen's coroner and attorney and of master in the Crown office shall be vested in the Lord Chief Justice of England, and the persons appointed to these offices respectively shall be by virtue of their appointment masters of the Supreme Court.

(3.) Subject as aforesaid, the right of filling any vacancy in, and of making any new appointment in or for the purposes of, the central office shall, be vested in the Lord Chancellor with the concurrence of the Treasury.

(4.) Any officer of the central office may be removed by a majority of the judges mentioned in this section, with the approval of the Lord Chancellor, for reasons to be assigned in the order of removal.

10. *Qualification of masters of Supreme Court.* A person shall not be qualified to be appointed a master of the Supreme Court unless he is or has been a practising barrister or solicitor of five years' standing, or has practised for five years as a special pleader or as a special pleader and barrister; but nothing in this section shall affect the qualification of any existing officer of the Supreme Court to be appointed to any office dealt with by this Act.

11. *Tenure of masters of Supreme Court.* Every master of the Supreme Court shall hold office during good behaviour.

12. *Business of central offices.* (1.) The business to be performed in the central office shall, subject to rules of court, comprise all the business performed in the offices by or in pursuance of this Act amalgamated with the central office, and shall be distributed among the several officers of the central office in such manner as may be directed by rules of court.

(2.) The several officers of the central office shall be interchangeable one with another and shall be capable of performing and liable to perform the duties of each other in any department of the office, and generally shall perform such duties and have such powers in relation to the business of the Supreme Court as may be directed by rules of court, subject to this qualification, that the duties required to be performed by any officer transferred to the central office by or in pursuance of this Act shall, except as far as they are modified with his consent, be the same as or analogous to those which he performed before being so transferred.

(3.) Subject as aforesaid, all officers of the central office shall continue to perform the duties heretofore performed by them in their respective offices, and to have and exercise the powers heretofore vested in them in the same manner as nearly as may be, as if this Act had not passed.

13. *Classification of clerks of central office.* The clerks employed in the central office shall be classified as principal clerks, first-class clerks, second-class clerks, and copying clerks, or in such other manner as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

14. *Abolition of certain offices and continuance of others.* (1.) The offices specified in the first part of the First Schedule to this Act are hereby abolished as from the commencement of this Act.

(2.) Each of the offices specified in the second part of the First Schedule to this Act shall be abolished on the occurrence of the next vacancy therein.

(3.) On and after the occurrence of the next vacancy in any of the offices specified in the third part of the First Schedule to this Act, the senior master for the time being of the Supreme Court shall hold and perform the duties of the office, with such additional salary in respect of the office of Queen's remembrancer as the Lord Chancellor, with the concurrence of the Treasury, may determine.

(4.) Provided as follows:

- For the purposes of this section the existing masters of the Queen's Bench, Common Pleas, and Exchequer Divisions shall collectively rank as senior to the other first masters of the Supreme Court;
- Subject as aforesaid, each of the first masters of the Supreme Court shall, for the purposes of this section, rank in seniority according to the date of his first appointment to an office in the Supreme Court, or in any court of which the jurisdiction has been transferred to the Supreme Court.

Salaries and Pensions.

15. *As to salaries, pensions, &c., of officers of Supreme Court.*

(1.) The salaries of the several officers of the Supreme Court shall be of such amounts as the Lord Chancellor, with the concurrence of the Treasury, from time to time determines, and every such officer shall be deemed to be for the purposes of salary and pension a permanent civil servant of the State.

(2.) The salaries of all officers of the Supreme Court shall be paid out of money provided by Parliament.

Every pension and compensation shall be paid out of money provided by Parliament.

16. *Mode of application for pension.* The application for a pension under this Act shall be by a petition to the Lord Chancellor setting forth the service and emoluments of the applicant in such form and with such particulars as the Lord Chancellor directs.

If the Lord Chancellor approves of the application he shall transmit it to the Treasury for their examination and award, and the Treasury shall thereupon inquire into the application, and if the claim made thereby is established to their satisfaction, shall award and direct payment of the pension to which the applicant is entitled.

17. *Power to declare office professional, and add years to service of holder thereof.* It shall be lawful for the Lord Chancellor from time to time to declare by writing signed by him that any office entitling to a pension under this Act is an office for the due and efficient discharge of the duties of which professional or other peculiar qualifications, not ordinarily to be acquired in the public service, are required, and that it is in the interest of the public that persons be appointed thereto at an age exceeding that at which public service ordinarily begins; and thereupon it shall be lawful for the Treasury to order that when the holder of any such office retires from public service, a specified number of years, not exceeding twenty, shall, in computing the amount of pension payable to the officer, be added to the number of years during which he has actually served.

Every such order shall have the same effect as an order or warrant made under section four of the Superannuation Act, 1859.

18. *Power for Lord Chancellor to remove disabled officer.* If any officer of the Supreme Court, being afflicted with any infirmity which disables him from the due execution of

his office, refuses to resign or becomes incapable of resigning his office, it shall be lawful for the Lord Chancellor by order to remove him from his office.

19. *Provision as to persons entitled to pensions under previous Acts.* (1.) Where a person has at the commencement of this Act a right to succeed to an office to which a pension or superannuation allowance is attached under any previous Act, nothing in this Act shall prejudicially affect his right to claim a pension or allowance under that Act.

(2.) Any officer of the Supreme Court who is or might become entitled to a pension or superannuation allowance under any previous Act may, if he thinks fit, instead of claiming a pension or allowance under that Act, claim a pension under this Act, and thereupon the same proceedings shall be taken as if he had been entitled to a pension under this Act.

20. *Conditions of obtaining pensions under this Act.* [An officer of the Supreme Court appointed after the commencement of this Act shall not be entitled to a pension under this Act unless he has been admitted to his office with a certificate from the Civil Service Commissioners.

Provided that the Lord Chancellor may from time to time, with the concurrence of the Treasury, make, revoke, and alter orders declaring that this section shall not apply to any office or class of offices specified in the order, and the application of this section shall be limited in accordance with any such order.

21. *Application of salary and pension provisions to officers in lunacy.* For the purposes of the provisions of this Act relating to salaries and pensions, an officer in lunacy shall be in the same position as if he were an officer of the Supreme Court.

Rules of Court.

22. *Making rules of court.* (1.) Section seventeen of the Supreme Court of Judicature Act, 1875, as amended by section seventeen of the Appellate Jurisdiction Act, 1876, shall extend to authorize the making, in pursuance of those sections, of rules of court under or for the purposes of this Act, and under or for the purposes of any Act passed after the passing of this Act which expressly or by implication authorizes or directs the making of rules of court, and also under or for the purposes of any Act passed before the passing of this Act, which, so far as unrepealed, expressly or by implication authorizes or directs the making of any orders, rules, or regulations for any purpose for which rules of court can be made under the above-mentioned sections, or for any similar purpose; provided that where the concurrence of the Treasury is required in making rules of court or any such orders, rules, or regulations, rules of court under this section shall not be made without that concurrence.

(2.) Such rules of court as are requisite for bringing this Act into operation shall be made as soon as may be after the passing of this Act, but no rules of court made under this Act shall come into operation before the commencement of this Act.

Supplemental.

23. *Saving rights of officers transferred.* Subject to the express provisions of this Act, the officers transferred by or in pursuance of this Act shall have the same rank and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed.

24. *Doubts as to status, &c., of officers to be determined by rules of court.* Where a doubt exists as to the position under this Act of any existing officer affected by this Act, or whether any person is an officer of the Supreme Court within the meaning of this Act, the doubt may be determined by rules of court, subject to this proviso, that a rule of court made under this section shall not alter the tenure of office, rank, pension, if any, or salary of the officer, or require him without his consent to perform any duties other than duties analogous to those which he has already performed.

25. *Compensation for prejudice to right or privilege.* If any person deems himself aggrieved by reason of any right or privilege, customary or otherwise, being prejudicially affected by this Act or the Courts of Justice Building Act, 1865, or any Act amending the same, or by anything done under any such Act, he may present a petition to the Lord Chancellor stating the circumstances of the case and asking for the compensation to which the petitioner deems himself entitled; and if the Lord Chancellor thinks the petitioner

entitled to compensation he shall transmit the petition to the Treasury, stating the grounds on which he thinks the petitioner so entitled, and the Treasury shall have discretion to award such compensation, if any, as in their opinion is just and reasonable.

26. *Saving as to payment of fees.* Nothing in or done under this Act shall affect any liability to the payment of fees payable to any officer or in any office affected by this Act, and all such fees shall, subject to any regulations with regard thereto which may from time to time be made by rules of court, continue to be payable in the same manner and to the same persons as heretofore.

27. *Construction of enactments, &c., referring to officers or offices affected by this Act.* Any enactment or document referring to an officer or office abolished by or under this Act, shall, as far as it continues applicable, be construed as referring to the officer or office substituted by or under this Act, and rules of court may be made for determining what officer or office is so substituted.

28. *Name of new law courts.* The buildings erected under the Courts of Justice Building Act, 1865, and the Courts of Justice Concentration (Site) Act, 1865, together with all additions thereto, shall be styled the Royal Courts of Justice.

29. *Repeal of enactments in Second Schedule—36 & 37 Vict. c. 66.* Whereas by reason of the provisions of the Supreme Court of Judicature Act, 1873, and the Acts amending the same, including this Act, divers enactments relating to officers and offices of the Supreme Court, and to the making of orders, rules, and regulations for purposes connected with the Supreme Court, have become unnecessary, and it is expedient that they be specifically repealed, therefore the Acts specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Provided that—

(1.) This repeal shall not affect—

- (a.) Anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or
 - (b.) Any right, duty, or liability acquired, imposed, or incurred by or under any enactment hereby repealed; or
 - (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
 - (d.) The institution or prosecution to its termination of any legal proceeding, or other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid; or
 - (e.) The validity of any rule, order, or regulation made under any enactment hereby repealed; and
- (2.) In particular, but without prejudice to the generality of the foregoing provisions, the repeal effected by this section shall not deprive any person who at the commencement of this Act enjoys any compensation, pension, retiring annuity, superannuation allowance, or salary mentioned in any enactment repealed by this section of his right to receive the same compensation, pension, retiring annuity, superannuation allowance, or salary, or of any right he may have to receive any progressive or prospective increase of salary, or to obtain any promotion, or succession, or any pension, retiring annuity, or superannuation allowance, or affect or diminish any such right, or affect any right of appointment vested in any existing judge, or alter the duties, conditions, or restrictions attached to any office held by any existing officer; and
- (3.) This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force at existing at the commencement of this Act.

SCHEDULES.

FIRST SCHEDULE.

FIRST PART.

Offices to be abolished as from commencement of Act.

The offices of—

Record and Writ Clerk:

Master in the Queen's Bench, Common Pleas, and

Exchequer Divisions of the High Court of Justice:

Associate in the Queen's Bench, Common Pleas, and
Exchequer Divisions of the High Court of Justice.

SECOND PART.

Offices to be abolished on next vacancy.

The offices of—
Clerk of Enrolments:
Clerk of Petty Bag.

Section 29.]

SECOND SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this Schedule is inclusive of the word, section, or other part first or last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

THIRD PART.

Offices to be filled on vacancy by the Senior Master of the
Supreme Court.

The offices of—
Queen's Remembrancer:
Registrar of Certificates of Acknowledgments of Deeds
by Married Women
Registrar of Judgments.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
29 Chas. 2, c. 5.	An Act for taking of affidavits in the country to be made use of in the Courts of King's Bench, Common Pleas, and Exchequer.	The whole Act.
53 Geo. 3, c. 24.	An Act to facilitate the administration of justice.	Section five.
11 Geo. 4, and 1 Will. 4, c. 58.	An Act for regulating the receipt and future appropriation of fees receivable by officers of the Superior Courts of Common Law.	The whole Act.
11 Geo. 4, and 1 Will. 4, c. 70.	An Act for the more effectual administration of justice in England and Wales.	Section eleven.
1 Will. 4, c. 7.	An Act for the more speedy judgment and execution in actions brought in his Majesty's Courts of Law at Westminster, and in the Courts of Common Pleas of the County Palatine of Lancaster; and for amending the law as to judgment on a <i>cognovit actionem</i> in cases of bankruptcy.	Section six.
2 & 3 Will. 4, c. 39, s. 15.	An Act for uniformity of process in personal actions in his Majesty's Court of Law at Westminster.	Section fifteen.
3 & 4 Will. 4, c. 74.	An Act for the abolition of fines and recoveries and for the substitution of more simple modes of assurance.	Section seventy-five and section eighty-nine to "lodged."
3 & 4 Will. 4, c. 94.	An Act for the regulation of the proceedings and practice of certain offices of the High Court of Chancery in England.	Section nine, section ten from "and it shall be lawful" to end of section, sections twenty-one, twenty-two, twenty-three, thirty-three, and thirty-four, and the schedule.
3 & 4 Will. 4, c. 99.	An Act for facilitating the appointment of sheriffs and the more effectual audit and passing of their accounts; and for the more speedy return and recovery of fines, issues, forfeited recognizances, penalties, and deodands; and to abolish certain offices in the Court of Exchequer.	Section forty-six.
7 Will. 4, and 1 Vict. c. 30.	An Act to abolish certain offices in the Superior Courts of Common Law, and to make provision for a more effective and uniform establishment of officers in those courts.	The whole Act, except section nine, sections thirteen, fifteen, and nineteen, and twenty-eight.
3 & 4 Vict. c. 66.	An Act to make provision for the judge registrar and marshal of the High Court of Admiralty of England.	The whole Act, except sections one and seven.
5 Vict. c. 5.	An Act to make further provisions for the administration of justice.	Sections eighteen, twenty-six, thirty-five, section thirty-eight from "and that each" to end of section, section thirty-nine from the beginning to "general order direct; and that," sections forty-six and forty-seven, section forty-eight from "and that they" to end of section, and sections forty-nine and fifty-six.
5 & 6 Vict. c. 86.	An Act for abolishing certain offices on the Revenue side of the Court of Exchequer in England, and for regulating the office of her Majesty's Remembrancer in that court.	Sections two and four.
5 & 6 Vict. c. 103.	An Act for abolishing certain offices of the High Court of Chancery in England.	Section three from the beginning to "one thousand two hundred pounds per annum and," from "shall be entitled under this Act" to "and taxing master," and from "and may be removed" to end of section. Sections four and five. Sections six and eleven, except so far as they relate to a taxing master, and sections nine, fourteen, eighteen, nineteen, thirty-one, and thirty-two.
6 & 7 Vict. c. 20.	An Act for abolishing certain offices on the Crown side of the Court of Queen's Bench and for regulating the Crown Office.	The whole Act, except sections six and eleven.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Vict. c. 38 .	An Act to make further regulations for facilitating the hearing appeals and other matters by the Judicial Committee of the Privy Council.	Section thirteen.
6 & 7 Vict. c. 67 .	An Act to enable parties to sue out and prosecute writs of error in certain cases upon the proceedings on writs of <i>mandamus</i> .	Section four.
10 & 11 Vict. c. 96 .	An Act for better securing trust funds and for the relief of trustees.	Section four.
12 & 13 Vict. c. 109 .	The Petty Bag Office and Enrolment in Chancery Amendment Act, 1849.	Section forty-one.
13 & 14 Vict. c. 35 .	An Act to diminish the delay and expense of proceedings in the High Court of Chancery in England.	Sections thirty to thirty-two.
13 & 14 Vict. c. 75 .	An Act to regulate the receipt and amount of fees receivable by certain officers in the Court of Common Pleas.	The whole Act.
14 & 15 Vict. c. 83 .	An Act to improve the administration of justice in the Court of Chancery and in the Judicial Committee of the Privy Council.	Sections two and twelve, section twenty-one from "and shall be subject" to "by the said Act," and sections twenty-two and twenty-three. The whole Act, except section eleven and section twenty-six.
15 & 16 Vict. c. 73 .	An Act to make provision for a permanent establishment of officers to perform the duties at <i>Nisi Prius</i> in the Superior Courts of Common Law, and for the payment of such officers and of the judges clerks by salaries, and to abolish certain offices in those courts.	
15 & 16 Vict. c. 76 .	The Common Law Procedure Act, 1852.	Sections two hundred and twenty-four and two hundred and twenty-five.
15 & 16 Vict. c. 80 .	An Act to abolish the office of Master in Ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient despatch of business in the said Court.	Sections five, twenty-five, thirty-eight, forty-four, forty-five, forty-six, fifty, fifty-four, fifty-five, and fifty-seven.
15 & 16 Vict. c. 86 .	An Act to amend the practice and course of proceeding in the High Court of Chancery.	Sections sixty-three and sixty-four.
15 & 16 Vict. c. 87 .	An Act for the relief of the suitors of the High Court of Chancery.	Sections one, twenty-three, twenty-nine, thirty-seven, thirty-eight, forty-six, and forty-seven. Section three.
16 & 17 Vict. c. 22 .	An Act for making further provision for the execution of the office of examiner of the High Court of Chancery.	Sections thirteen and fourteen, and section fifteen from "and the present officers" to end of section.
16 & 17 Vict. c. 70 .	The Lunacy Regulation Act, 1853.	Sections three, four, and twenty-two.
17 & 18 Vict. c. 78 .	An Act to appoint persons to administer oaths and to substitute stamps in lieu of fees, and for other purposes in the High Court of Admiralty of England.	Sections ninety-seven and ninety-eight.
17 & 18 Vict. c. 125 .	The Common Law Procedure Act, 1854.	Section twenty.
18 & 19 Vict. c. 126 .	An Act for diminishing expense and delay in the administration of justice in certain cases.	Sections five, six, eight, and twelve.
18 & 19 Vict. c. 134 .	An Act to make further provision for the more speedy and efficient despatch of business in the High Court of Chancery, and to vest in the Lord Chancellor the ground and buildings of the said court situated in Southampton-buildings, Chancery-lane, with powers of leasing and sale thereof.	
19 & 20 Vict. c. 97 .	The Mercantile Law Amendment Act, 1856.	Sections fifteen so far as it incorporates any enactment repealed by this Act.
20 & 21 Vict. c. 77 .	An Act to amend the law relating to probates and letters of administration of England.	Sections eight, fourteen, and eighteen, section nineteen from "subject to be removed" to end of section, and sections one hundred and two to one hundred and six and one hundred and eleven to one hundred and thirteen.
20 & 21 Vict. c. 85 .	An Act to amend the law relating to divorce and matrimonial causes in England.	Sections fourteen, sixty-two, and sixty-eight.
21 & 22 Vict. c. 27 .	The Chancery Amendment Act, 1858.	Section eleven.
22 & 23 Vict. c. 21 .	An Act to regulate the office of Queen's Remembrancer and to amend the practice and procedure on the Revenue side of the Court of Exchequer.	Sections one to five, and section forty-one.
23 & 24 Vict. c. 126 .	The Common Law Procedure Act, 1860.	
23 & 24 Vict. c. 128 .	An Act to enable the Lord Chancellor and Judges of the Courts of Chancery to carry into effect the recommendations and suggestions of the Chancery Evidence Commissioners by general rules and orders of the court.	Sections thirty-seven and thirty-eight. The whole Act.
23 & 24 Vict. c. 149 .	An Act to make better provision for the relief of prisoners in contempt of the High Court of Chancery, and pauper defendants, and for the more efficient despatch of business in the said court.	Sections twelve and fourteen.
25 & 26 Vict. c. 96 .	An Act to render tenable during good behaviour the	The whole Act.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
28 & 29 Vict. c. 45 . 29 & 30 Vict. c. 68 .	office of the officer of the Court of Common Pleas by whom the certificates of acknowledgment of deeds of married women are filed of record. The Common Law Courts (Fees) Act, 1865. The Superannuation Act, 1866.	The whole Act. The whole Act, so far as it applies to officers of the Supreme Court or to officers in Lunacy. The whole Act.
29 & 30 Vict. c. 101 .	The Common Law Courts (Fees and Salaries) Act, 1866.	
30 & 31 Vict. c. 87 .	The Court of Chancery (Officers) Act, 1867.	Section eight from "and shall be subject" to "same Act," and sections nine and ten. Sections sixteen to twenty-eight. Section eighty-five. Section forty-two from "so far as relates to proceedings in England" to the first "specified therein, and."
32 & 33 Vict. c. 91 . 36 & 37 Vict. c. 66 . 40 & 41 Vict. c. 18 .	The Courts of Justice (Salaries and Funds) Act, 1869. The Supreme Court of Judicature Act, 1873. The Settled Estates Act, 1877.	

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